

classified to section 3301 et seq. of Title 5, Government Organization and Employees.

This Act, referred to in subsecs. (g)(1) and (h)(2), means the District of Columbia Home Rule Act, Pub. L. 93-198, Dec. 24, 1973, 87 Stat. 774, as amended. For classification of this Act to the U.S. Code, see Tables.

The amendments made by this section, referred to in subsecs. (h)(1) and (i), means the amendments made by section 739(d) and (g)(3) to (9) of Pub. L. 93-198, which amended sections 13n, 193a, 212a, and 212b of this title and section 167h of Title 2, The Congress, and enacted provision set out as a note under section 193a of this title.

CODIFICATION

Subsecs. (d) and (g)(3) to (9) of this section made the amendments specified in the References in Text note above.

In subsec. (h)(2), “section 1537 of title 31” substituted for “section 731 of this Act [31 U.S.C. 685a]” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

CHANGE OF NAME

Reference to Executive Protective Service held to refer to United States Secret Service Uniformed Division pursuant to Pub. L. 95-179, set out as a note under section 202 of Title 3, The President.

DEFINITIONS

The definitions in section 103 of Pub. L. 93-198, title I, Dec. 24, 1973, 87 Stat. 777 (which is classified to the District of Columbia Code), apply to this section.

§ 137. Protection of Federal Government buildings in District of Columbia

The Attorney General and the Secretary of the Treasury may prohibit—

(1) any vehicles from parking or standing on any street or roadway adjacent to any building in the District of Columbia used by law enforcement authorities subject to their jurisdiction, that is in whole or in part owned, possessed, or leased to the Federal Government; and

(2) any person or entity from conducting business on any property immediately adjacent to any building described in paragraph (1).

(Pub. L. 104-132, title VIII, § 803, Apr. 24, 1996, 110 Stat. 1305.)

§ 138. Repealed. Pub. L. 105-100, title I, § 157(f), Nov. 19, 1997, 111 Stat. 2187

Section, Pub. L. 105-33, title XI, §§11715, 11717(b), Aug. 5, 1997, 111 Stat. 784, 786, related to requirement that certain Federal officials provide notice before carrying out activities affecting real property located in the District of Columbia.

EFFECTIVE DATE OF REPEAL

Section 157(f) of Pub. L. 105-100 provided that the repeal of this section is effective Oct. 1, 1997.

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§ 161. Title of Superintendent of Capitol Building and Grounds changed to Architect of Capitol

The title of “Superintendent of the Capitol Building and Grounds” is changed to “Architect of the Capitol.”

(Feb. 14, 1902, ch. 17, 32 Stat. 20; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

CODIFICATION

The title of Architect of the Capitol was changed to Superintendent of the Capitol Building and Grounds, by act Feb. 14, 1902, popularly known as the “Urgent Deficiency Appropriation Act for 1902”.

Act Mar. 3, 1921, restored the original title, and is based on the Legislative, Executive, and Judicial Appropriation Act Mar. 3, 1921, fiscal year 1922.

PRIOR PROVISIONS

Act May 2, 1828, ch. 45, §1, 4 Stat. 266, abolished office of Architect of the Capitol. The duties of that office were transferred to Commissioner of Public Buildings and Grounds, appointed by President under act April 29, 1816, ch. 150, §2, 3 Stat. 324, to succeed a previously existing board of three commissioners of Public Buildings and Grounds.

Act Mar. 3, 1829, ch. 151, §2, 4 Stat. 363, authorized President to continue office of Architect of the Capitol long enough to complete work in progress.

Act Sept. 30, 1850, ch. 90, §1, 9 Stat. 538, made appropriation for “the extension of the Capitol” according to the plan as might be approved by the President, to be expended under his direction, “by such architect as he may appoint to execute the same.” Subsequent acts frequently referred to the Architect of the Capitol or to the Architect of the Capitol Extension.

Act Mar. 2, 1867, ch. 167, §2, 14 Stat. 466, abolished office of Commissioner of Public Buildings and Grounds referred to in section 162 of this title, and transferred the duties of that office to the Chief of Engineers of the Army.

Act Aug. 15, 1876, ch. 287, §1, 19 Stat. 147, transferred duties relative to the Capitol theretofore performed by Commissioner of Public Buildings and Grounds to Architect of the Capitol.

§ 161a. Repealed. June 20, 1929, ch. 33, § 6, 46 Stat. 39

Section, act May 24, 1924, ch. 183, 43 Stat. 149, related to compensation of employees of the office of the Ar-

chitect of the Capitol. Under section 3 of act June 20, 1929, such employees came within the Classification Act of 1923, which was set out in section 661 et seq. of former Title 5, Executive Departments and Government Officers and Employees. The Classification Act of 1923 was repealed, and superseded by the Classification Act of 1949, which was repealed by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 644. The former provisions of the Classification Act of 1949 are now covered by chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees.

§ 162. Architect of Capitol; powers and duties

The Architect of the Capitol shall perform all the duties relative to the Capitol Building performed prior to August 15, 1876, by the Commissioner of Public Buildings and Grounds, and shall be appointed by the President: *Provided*, That no change in the architectural features of the Capitol Building or in the landscape features of the Capitol Grounds shall be made except on plans to be approved by Congress.

(Aug. 15, 1876, ch. 287, 19 Stat. 147; Feb. 14, 1902, ch. 17, 32 Stat. 20; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

COMPREHENSIVE MANAGEMENT STUDY AND RESPONSE

Pub. L. 107-68, title I, §129(d), Nov. 12, 2001, 115 Stat. 580, provided that:

“(1) STUDY BY COMPTROLLER GENERAL.—Not later than November 1, 2002, the Comptroller General shall conduct a comprehensive management study of the operations of the Architect of the Capitol, and submit the study to the Architect of the Capitol and the Committees on Appropriations of the House of Representatives and Senate.

“(2) PLAN BY ARCHITECT IN RESPONSE.—After the Comptroller General submits the study conducted under paragraph (1) to the Committees referred to in such paragraph, the Architect of the Capitol shall develop and submit to such Committees a management improvement plan which addresses the study and which indicates how the personnel for whom the Architect fixes the rate of basic pay under the amendment made by subsection (c)(1) [amending section 166b-3b of this title] will support such plan.”

PURCHASES AND CONTRACTS

Pub. L. 107-68, title I, §131, Nov. 12, 2001, 115 Stat. 581, provided that: “Notwithstanding any other provision of law: (1) section 3709 of the Revised Statutes (41 U.S.C. 5) shall apply with respect to purchases and contracts for the Architect of the Capitol as if the reference to ‘\$25,000’ in clause I [probably should be ‘1’] of such section were a reference to ‘\$100,000’; and (2) the Architect may procure services, equipment, and construction for security related projects in the most efficient manner he determines appropriate.”

ACCOUNTING AND FINANCIAL MANAGEMENT SYSTEM

Pub. L. 107-68, title I, §132, Nov. 12, 2001, 115 Stat. 581, provided that: “The Architect of the Capitol shall develop and maintain an accounting and financial management system, including financial reporting and internal controls, which—

“(1) complies with applicable federal accounting principles, standards, and requirements, and internal control standards;

“(2) complies with any other requirements applicable to such systems; and

“(3) provides for—

“(A) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to financial information needs of the Architect of the Capitol;

“(B) the development and reporting of cost information;

“(C) the integration of accounting and budgeting information; and

“(D) the systematic measurement of performance.”

§ 162-1. Appointment of Architect of Capitol

(a)(1) The Architect of the Capitol shall be appointed by the President by and with the advice and consent of the Senate for a term of 10 years.

(2) There is established a commission to recommend individuals to the President for appointment to the office of Architect of the Capitol. The commission shall be composed of—

(A) the Speaker of the House of Representatives,

(B) the President pro tempore of the Senate,

(C) the majority and minority leaders of the House of Representatives and the Senate, and

(D) the chairmen and the ranking minority members of the Committee on House Oversight of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate.

The commission shall recommend at least three individuals for appointment to such office.

(3) An individual appointed Architect of the Capitol under paragraph (1) shall be eligible for reappointment to such office.

(b) Subsection (a) of this section shall be effective in the case of appointments made to fill vacancies in the office of Architect of the Capitol which occur on or after November 21, 1989. If no such vacancy occurs within the six-year period which begins on November 21, 1989, no individual may, after the expiration of such period, hold such office unless the individual is appointed in accordance with subsection (a) of this section.

(Pub. L. 101-163, title III, §319, Nov. 21, 1989, 103 Stat. 1068; Pub. L. 104-19, title I, §701, July 27, 1995, 109 Stat. 220.)

AMENDMENTS

1995—Subsec. (a)(2). Pub. L. 104-19, §701(1), (2), substituted “office” for “Office” in first sentence and “commission” for “Commission” in introductory provisions in second sentence.

Subsec. (a)(2)(D). Pub. L. 104-19, §701(3), substituted “Oversight of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate” for “Administration of the House of Representatives and the Committee on Rules and Administration of the Senate”.

Subsec. (b). Pub. L. 104-19, §701(1), substituted “office” for “Office” in first sentence.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 162a. Compensation of Architect of Capitol

The compensation of the Architect of the Capitol shall be at an annual rate which is equal to

the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.

(Pub. L. 96-146, §1(1), Dec. 14, 1979, 93 Stat. 1086; Pub. L. 107-68, title I, §129(a), Nov. 12, 2001, 115 Stat. 579.)

PRIOR PROVISIONS

A prior section 162a, Pub. L. 88-426, title II, §203(c), Aug. 14, 1964, 78 Stat. 415; Pub. L. 90-206, title II, §219(2), Dec. 16, 1967, 81 Stat. 639; Pub. L. 94-82, title II, §204(b), Aug. 9, 1975, 89 Stat. 421, which prescribed annual rate of compensation of Architect of Capitol, was omitted as superseded by Pub. L. 96-146, §1(1).

Another prior section 162a, acts Oct. 15, 1949, ch. 695, §5(a), 63 Stat. 880; Aug. 5, 1955, ch. 568, §101, 69 Stat. 515, prescribed annual rate of basic compensation of Architect of the Capitol, prior to repeal by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 655.

AMENDMENTS

2001—Pub. L. 107-68, which directed amendment of “Section 203(c) of the Federal Legislative Salary Act of 1964 (40 U.S.C. 162a)” by striking “the annual rate of basic pay” and all that follows and inserting “the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.”, was executed by substituting the new language for “the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314 of title 5” in this section, which is section 1(1) of Pub. L. 96-146, to reflect the probable intent of Congress.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-68, title I, §129(e), Nov. 12, 2001, 115 Stat. 580, provided that: “Except as provided in subsections (c)(2) and (d) [enacting provisions set out as notes under sections 162 and 166b-3b of this title], this section [amending this section and section 166b-3b of this title and enacting provisions set out as notes under sections 162, 166b-3a, and 166b-3b of this title] and the amendments made by this section shall apply with respect to pay periods beginning on or after October 1, 2001.”

EFFECTIVE DATE

Section 2 of Pub. L. 96-146 provided that: “The provisions of this Act [enacting this section and section 166b of this title] shall take effect on the first day of the first applicable pay period commencing on or after the date of the enactment of this Act [Dec. 14, 1979].”

SALARY INCREASES

1987—Salary of Architect increased to \$82,500 per annum, on recommendation of the President of the United States, see note set out under section 358 of Title 2, The Congress.

1977—Salary of Architect increased to \$50,000 per annum, on recommendation of the President of the United States, see note set out under section 358 of Title 2.

1969—Salary of Architect increased to \$38,000 per annum, on recommendation of the President of the United States, see note set out under section 358 of Title 2.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 section 356.

§ 162b. Semiannual report of expenditures by Architect of Capitol

(1) Commencing with the semiannual period beginning January 1, 1965 and for each semiannual period thereafter, the Architect of the Capitol shall compile and, not later than sixty

days following the close of the semiannual period, submit to the Senate and the House of Representatives a report of all expenditures made from monies appropriated to the Architect of the Capitol, based on payrolls and other vouchers transmitted during such period to the Treasury Department for disbursement, such report to include (1) the name, title, and gross salary payment to each employee; (2) a list of government contributions to retirement, health, insurance, and other similar funds; and (3) name of payee, brief description of service rendered or items furnished under contract, purchase order or other agreement. Such report shall be printed as a Senate document.

(2) The report by the Architect of the Capitol under paragraph (1) for the semiannual period beginning on January 1, 1976, shall include the period beginning on July 1, 1976, and ending on September 30, 1976, and such semiannual period shall be treated as closing on September 30, 1976. Thereafter, the report by the Architect of the Capitol under paragraph (1) shall be for the semiannual periods beginning on October 1 and ending on March 31 and beginning on April 1 and ending on September 30 of each year.

(Pub. L. 88-454, §105(b), Aug. 20, 1964, 78 Stat. 551; Pub. L. 94-303, title I, §118(c), June 1, 1976, 90 Stat. 616.)

AMENDMENTS

1976—Pub. L. 94-303 designated existing provisions as par. (1) and added par. (2).

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in par. (1) of this section relating to the requirement that the Architect of the Capitol submit a semiannual report to the Senate and the House of Representatives, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 1 of House Document No. 103-7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 section 356.

§ 163. Care and superintendence of Capitol by Architect of Capitol

The Architect of the Capitol shall have the care and superintendence of the Capitol, including lighting. His office shall be in the Capitol Building.

(Aug. 15, 1876, ch. 287, 19 Stat. 147; Mar. 3, 1877, ch. 102, 19 Stat. 298; Oct. 31, 1951, ch. 654, §3(14), 65 Stat. 708.)

CODIFICATION

Section is based on appropriation for the person in charge of heating apparatus in act Aug. 15, 1876, popularly known as the "Sundry Civil Appropriation Act". It was repeated in the similar act Mar. 3, 1877.

AMENDMENTS

1951—Act Oct. 31, 1951, struck out "and shall submit through the Secretary of the Interior estimates thereof" at end of first sentence.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

§ 163a. Exterior of Capitol, duty of Architect

It shall be the duty of the Architect to clean and keep in proper order the exterior of the Capitol.

(July 7, 1884, ch. 332, 23 Stat. 209.)

§ 163b. Delegation of authority by Architect of Capitol

The Architect of the Capitol is authorized hereafter to delegate to the Assistant Architect and other assistants such authority of the Architect as he may deem proper.

(Aug. 5, 1955, ch. 568, 69 Stat. 515.)

§ 164. Omitted

CODIFICATION

Section, acts July 7, 1898, ch. 571, 30 Stat. 672; Apr. 17, 1900, ch. 192, 31 Stat. 125; Mar. 3, 1901, ch. 830, §1, 31 Stat. 1000, related to absence, disability, or vacancy of Architect of the Capitol. See section 164a of this title.

§ 164a. Assistant Architect of Capitol to act in case of absence, disability, or vacancy

On and after August 18, 1970, the Assistant Architect of the Capitol shall act as Architect of the Capitol during the absence or disability of that official or whenever there is no Architect.

(Pub. L. 91-382, Aug. 18, 1970, 84 Stat. 817; Pub. L. 101-163, title I, §106(d), Nov. 21, 1989, 103 Stat. 1057.)

CODIFICATION

Section is from Pub. L. 91-382, popularly known as the "Legislative Branch Appropriation Act, 1971".

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 87-730, Oct. 2, 1962, 76 Stat. 688.
 Pub. L. 87-130, Aug. 10, 1961, 75 Stat. 329.
 Pub. L. 86-628, July 12, 1960, 74 Stat. 455.
 Pub. L. 86-176, Aug. 21, 1959, 73 Stat. 407.
 Pub. L. 85-570, July 31, 1958, 72 Stat. 448.
 Pub. L. 85-75, July 1, 1957, 71 Stat. 251.
 June 27, 1956, ch. 453, 70 Stat. 365.
 Aug. 5, 1955, ch. 568, 69 Stat. 515.
 July 2, 1954, ch. 455, title I, 68 Stat. 405.
 Aug. 1, 1953, ch. 304, title I, 67 Stat. 327.
 July 9, 1952, ch. 598, 66 Stat. 472.
 Oct. 11, 1951, ch. 485, 65 Stat. 396.
 Sept. 6, 1950, ch. 896, Ch. II, 64 Stat. 602.
 June 22, 1949, ch. 235, 63 Stat. 224.
 June 14, 1948, ch. 467, 62 Stat. 430.
 July 17, 1947, ch. 262, 61 Stat. 369.
 July 1, 1946, ch. 530, 60 Stat. 400.
 May 18, 1946, ch. 263, title I, 60 Stat. 185.
 June 13, 1945, ch. 189, 59 Stat. 251.
 June 26, 1944, ch. 277, title I, 58 Stat. 346.
 June 28, 1943, ch. 173, title I, 57 Stat. 232.
 June 8, 1942, ch. 396, 56 Stat. 341.
 July 1, 1941, ch. 268, 55 Stat. 457.
 June 18, 1940, ch. 396, 54 Stat. 472.
 June 16, 1939, ch. 208, 53 Stat. 831.
 May 17, 1938, ch. 236, 52 Stat. 390.
 May 18, 1937, ch. 223, 50 Stat. 179.
 Apr. 17, 1936, ch. 233, 49 Stat. 1224.
 July 8, 1935, ch. 374, 49 Stat. 469.
 May 30, 1934, ch. 372, 48 Stat. 826.
 Feb. 28, 1933, ch. 134, 47 Stat. 1360.
 June 30, 1932, ch. 314, 47 Stat. 391.
 Feb. 20, 1931, ch. 234, 46 Stat. 1183.
 June 6, 1930, ch. 407, 46 Stat. 513.

AMENDMENTS

1989—Pub. L. 101-163 struck out “, and, in case of the absence or disability of the Assistant Architect, the Executive Assistant shall so act” before period at end.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 166b-3a of this title.

§ 165. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 634

Section, act Mar. 3, 1879, ch. 182, 20 Stat. 391, required disbursing clerk of Department of the Interior to act as disbursing clerk of Architect of the Capitol.

§ 166. Architect of Capitol; repairs of Capitol

All improvements, alterations, additions, and repairs of the Capitol Building shall be made by the direction and under the supervision of the Architect of the Capitol.

(R.S. §1816; Feb. 14, 1902, ch. 17, 32 Stat. 20; Mar. 3, 1921, ch. 124, 41 Stat. 1291; Oct. 31, 1951, ch. 654, §3(15), 65 Stat. 708.)

CODIFICATION

R.S. §1816 derived from Res. Apr. 16, 1862, No. 28, 12 Stat. 617; acts Mar. 30, 1867, ch. 24, §2, 15 Stat. 13; July 20, 1868, ch. 177, §1, 15 Stat. 115; Mar. 3, 1869, ch. 121, §1, 15 Stat. 283, 284; Mar. 3, 1871, ch. 114, §1, 16 Stat. 500; Aug. 15, 1876, ch. 287, 19 Stat. 147.

Provision of R.S. §1816 relating to purchase of furniture or carpets for House or Senate is classified to section 170 of this title.

AMENDMENTS

1951—Act Oct. 31, 1951, struck out requirement that such improvements, etc., should be paid for by Secretary of the Interior out of appropriations for Capitol extension, and from no other appropriation.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

ENERGY MANAGEMENT REQUIREMENTS FOR CONGRESSIONAL BUILDINGS

Pub. L. 102-486, title I, §168, Oct. 24, 1992, 106 Stat. 2862, provided that:

“(a) IN GENERAL.—The Architect of the Capitol (hereafter in this section referred to as the ‘Architect’) shall undertake a program of analysis and, as necessary, retrofit of the Capitol Building, the Senate Office Buildings, the House Office Buildings, and the Capitol Grounds, in accordance with subsection (b).

“(b) PROGRAM.—

“(1) LIGHTING.—

“(A) IMPLEMENTATION.—

“(i) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act [Oct. 24, 1992] and subject to the availability of funds to carry out this section, the Architect shall begin implementing a program to replace in each building described in subsection (a) all inefficient office and general use area fluorescent lighting systems with systems that incorporate the best available design and technology and that have payback periods of 10 years or less, as determined by using methods and procedures established under section 544(a) of the National Energy and Conservation Policy Act (42 U.S.C. 8254(a)).

“(ii) REPLACEMENT OF INCANDESCENT LIGHTING.—Whenever practicable in office and general use areas, the Architect shall replace incandescent lighting with efficient fluorescent lighting.

“(B) COMPLETION.—Subject to the availability of funds to carry out this section, the program described in subparagraph (A) shall be completed not later than 5 years after the date of the enactment of this Act.

“(2) EVALUATION AND REPORT.—

“(A) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act [Oct. 24, 1992], the Architect shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report evaluating potential energy conservation measures for each building described in subsection (a) in the areas of heating, ventilation, air conditioning equipment, insulation, windows, domestic hot water, food service equipment, and automatic control equipment.

“(B) COSTS.—The report submitted under subparagraph (A) shall detail the projected installation cost, energy and cost savings, and payback period of each energy conservation measure, as determined by using methods and procedures established under section 544(a) of the National Energy Conservation Policy Act (42 U.S.C. 8254(a)).

“(3) REVIEW AND APPROVAL OF ENERGY CONSERVATION MEASURES.—The Committee on Public Works and Transportation of the House of Representatives and the Committee on Rules and Administration of the Senate shall review the energy conservation measures identified in accordance with paragraph (2) and shall approve any such measure before it may be implemented.

“(4) UTILITY INCENTIVE PROGRAMS.—In carrying out this section, the Architect is authorized and encouraged to—

“(A) accept any rebate or other financial incentive offered through a program for energy conservation or demand management of electricity, water, or gas that—

“(i) is conducted by an electric, natural gas, or water utility;

“(ii) is generally available to customers of the utility; and

“(iii) provides for the adoption of energy efficiency technologies or practices that the Architect determines are cost-effective for the buildings described in subsection (a); and

“(B) enter into negotiations with electric and natural gas utilities to design a special demand management and conservation incentive program to address the unique needs of the buildings described in subsection (a).

“(5) USE OF SAVINGS.—The Architect shall use an amount equal to the rebate or other savings from the financial incentive programs under paragraph (4)(A), without additional authorization or appropriation, for the implementation of additional energy and water conservation measures in the buildings under the jurisdiction of the Architect.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.”

CONDITIONS FOR USE OF CERTAIN TELECOMMUNICATIONS SYSTEMS AND SERVICES BY AGENCY OF LEGISLATIVE BRANCH

Pub. L. 101-520, title III, §306, Nov. 5, 1990, 104 Stat. 2277, provided that:

“(a) Hereafter, notwithstanding any other provision of law, any agency of the legislative branch is authorized to use telecommunications systems and services provided by the Architect of the Capitol or the House of Representatives or the Senate under the approved plan required by section 305 of Public Law 100-202 (101 Stat. 1329-308) [formerly set out below] if such systems and services—

“(1) have been acquired competitively; and

“(2) in the case of long distance service, have been determined by the Architect of the Capitol to be at least equal in quality to, and not greater in cost than, the systems and services available under the

procurement conducted by the Administrator of General Services known as 'FTS2000'.

"(b) As used in this section, the term 'agency of the legislative branch' means the office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office."

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 101-163, title III, §306, Nov. 21, 1989, 103 Stat. 1064.

Pub. L. 100-458, title III, §307B, Oct. 1, 1988, 102 Stat. 2183.

DEVELOPMENT OF OVERALL PLAN FOR SATISFYING TELECOMMUNICATIONS REQUIREMENTS OF AGENCIES OF LEGISLATIVE BRANCH

Pub. L. 102-392, title III, §305, Oct. 6, 1992, 106 Stat. 1721, provided that:

"(a) The Architect of the Capitol, in consultation with the heads of the agencies of the legislative branch, shall develop an overall plan for satisfying the telecommunications requirements of such agencies, using a common system architecture for maximum interconnection capability and engineering compatibility. The plan shall be subject to joint approval by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, and, upon approval, shall be communicated to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate. No part of any appropriation in this Act or any other Act shall be used for acquisition of any new or expanded telecommunications system for an agency of the legislative branch, unless, as determined by the Architect of the Capitol, the acquisition is in conformance with the plan, as approved.

"(b) As used in this section—

"(1) the term 'agency of the legislative branch' means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office; and

"(2) the term 'telecommunications system' means an electronic system for voice, data, or image communication, including any associated cable and switching equipment.

"(c) This section shall apply with respect to fiscal years beginning after September 30, 1992."

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 102-90, title III, §305, Aug. 14, 1991, 105 Stat. 466.

Pub. L. 101-520, title III, §305, Nov. 5, 1990, 104 Stat. 2276.

Pub. L. 101-163, title III, §305, Nov. 21, 1989, 103 Stat. 1063.

Pub. L. 100-458, title III, §305, Oct. 1, 1988, 102 Stat. 2182.

Pub. L. 100-202, §101(i) [title III, §305], Dec. 22, 1987, 101 Stat. 1329-290, 1329-308.

Pub. L. 99-500, §101(j) [H.R. 5203, title III, §305], Oct. 18, 1986, 100 Stat. 1783-287, and Pub. L. 99-591, §101(j) [H.R. 5203, title III, §305], Oct. 30, 1986, 100 Stat. 3341-287.

RESTORATION OF WEST CENTRAL FRONT OF UNITED STATES CAPITOL; APPROPRIATION OF FUNDS; CONSULTING ARCHITECT

Pub. L. 98-63, title I, July 30, 1983, 97 Stat. 335, which made supplemental appropriations for fiscal year ending Sept. 30, 1983, provided in part that: "Notwithstanding any other provision of law, to enable the Architect of the Capitol, under the direction of the Commission on the West Central Front of the United States Capitol, to restore the West Central Front of the United States Capitol (without change of location or change of the present architectural appearance thereof) in substan-

tial accordance with the 'Restoration of the West Central Facade' report dated March 1978, \$49,000,000, to remain available until expended: *Provided*, That the Architect of the Capitol, under the direction of such Commission and without regard to the provisions of section 3709 of the Revised Statutes, as amended [41 U.S.C. 5], is authorized and directed to enter into such contracts, incur such obligations, and make such expenditures for personal and other services and other expenses as may be necessary to carry out this paragraph: *Provided further*, That any general construction contracts entered into under authority of this paragraph shall be for a firm fixed price, supported by standard performance and payment bonds, and shall be awarded competitively among selected responsible general contractors approved by such Commission and upon the approval by such Commission of the amount of the firm fixed price contracts: *Provided further*, That, the Commission on the West Central Front of the United States Capitol shall appoint, from among private individuals who are qualified, by reason of education, training, and experience, a consulting architect who shall assist the Commission in directing the Architect of the Capitol with respect to the restoration of the West Central Front of the United States Capitol: *Provided further*, That the Architect of the Capitol shall keep the consulting architect appointed under this paragraph fully and currently informed of the progress of the restoration of the West Central Front of the United States Capitol: *Provided further*, That the consulting architect for the restoration of the West Central Front of the United States Capitol appointed under this paragraph shall be paid for his services (out of the sum appropriated by this paragraph) at such rate of pay as the Commission considers appropriate, but not exceeding a rate equal to the daily equivalent of the rate of basic pay payable for grade GS-18 under the General Schedule under section 5332 of title 5, United States Code."

STUDY AND REPORT ON UTILIZATION OF SPACE IN UNITED STATES CAPITOL AND HOUSE AND SENATE OFFICE BUILDINGS AND ANNEXES; DRAWINGS AND SPECIFICATIONS FOR RESTORATION AND EXTENSION OF WEST CENTRAL FRONT OF UNITED STATES CAPITOL; FUNDING, ETC.

Pub. L. 95-94, title III, §301, Aug. 5, 1977, 91 Stat. 681, provided that: "The Architect of the Capitol is authorized and directed (1) to conduct a study of the utilization of space in the United States Capitol for the purpose of recommending and reporting to the Speaker of the House of Representatives and the President of the Senate and to the Committees on Appropriations of both Houses, and the Senate Committee on Rules and Administration, those offices which, by virtue of the functions performed therein, should be located in the Capitol and those offices which could be relocated to the House and Senate Office Buildings and Annexes; (2) to prepare drawings and specifications for restoration of the West Central Front of the United States Capitol in accordance with each of the various plans and alternatives proposed to the Committees on Appropriations during hearings on Legislative Branch Appropriations for 1978; and (3) to prepare drawings and specifications for extension of the West Central Front of the United States Capitol in accordance with the modified plan for extension of the West Central Front approved by the Commission for Extension of the United States Capitol on April 7, 1977; the drawings and specifications to be prepared in such detail as will enable the cost of such restoration proposals and extension proposal to be ascertained. The unexpended balance of appropriations heretofore appropriated under the heading, 'EXTENSION OF THE CAPITOL' shall be transferred immediately upon approval of this Act to a Commission on the West Central Front of the United States Capitol which shall be composed of the following: The Vice President of the United States, who shall be the Chairman, the Speaker of the House of Representatives, the Majority and Minority Leaders of the House of Representatives, and the Majority and Minority Leaders of the Senate. Such un-

expended balances shall be available for (1) the conduct of such study and (2) the preparation of such drawings and specifications under the direction of the Commission on the West Central Front of the United States Capitol. The drawings and specifications shall be completed by March 1, 1978, and submitted for the approval of the Committees on Appropriations of the Senate and House of Representatives and the Commission on the West Central Front of the United States Capitol prior to the issuance of invitations to bid on the restoration or extension of the West Central Front of the United States Capitol."

PRELIMINARY DESIGN SKETCHES OF MURALS FOR HOUSE WING OF UNITED STATES CAPITOL AS GIFT FROM UNITED STATES CAPITOL HISTORICAL SOCIETY; FUNDS FOR DESIGNS; EMPLOYMENT OF ARTIST; CONTRACT AUTHORITY; FUNDS AVAILABLE UNTIL EXPENDED

Pub. L. 94-497, Oct. 14, 1976, 90 Stat. 2377, provided: "That, notwithstanding any other provision of law, the Joint Committee on the Library is authorized to accept, on behalf of the Congress, as a gift from the United States Capitol Historical Society, preliminary design sketches intended as a basic design for murals proposed to be painted on the ceiling and walls of the first floor corridors in the House wing of the United States Capitol.

"SEC. 2. Notwithstanding any other provision of law, the Architect of the Capitol is authorized—

"(1) to accept in the name of the United States, from the United States Capitol Historical Society, such sum or sums as such society may tender in full payment thereof, and such sum or sums, when so received, shall be credited to the appropriation account 'Capitol Buildings, Architect of the Capitol', and

"(2) subject to section 3 of this joint resolution, to expend such sum or sums for the employment, by contract, of an artist or artists, for the execution of mural decorations on the ceiling and walls of the first floor corridor in the House wing of the United States Capitol in substantial accordance with the preliminary design sketches referred to in the first section of the joint resolution, after the acceptance by the Joint Committee on the Library, and for all other necessary items in connection therewith, subject to such modifications thereof as may be approved by such joint committee.

"SEC. 3. The Architect of the Capitol, under the direction of the Speaker of the House of Representatives, is authorized to enter into contracts and to incur such other obligations and make such expenditures, as may be necessary to carry out the purposes of the joint resolution.

"SEC. 4. Sums received under the joint resolution, when credited to the appropriation account 'Capitol Buildings, Architect of the Capitol', shall be expended and shall remain available until expended. Any net monetary amounts remaining after the completion of the project authorized by the joint resolution, and in excess of the cost of such project, shall be returned to the United States Capitol Historical Society."

REMODELING OF CAUCUS ROOMS AND RESTAURANTS

Act Aug. 2, 1946, ch. 753, §241, 60 Stat. 838, authorized the Architect of the Capitol to prepare plans for the remodeling and improvement of the caucus rooms of the Senate and House Office Buildings and Restaurants in the Senate and House and directed him to submit said plans at the earliest practicable date.

Section 241 of act Aug. 2, 1946, was made effective Aug. 2, 1946 by section 245 of said act.

EXTENSION, RECONSTRUCTION, AND REPLACEMENT OF CENTRAL PORTION OF THE UNITED STATES CAPITOL

Act Aug. 5, 1955, ch. 568, §101, 69 Stat. 515, as amended by Pub. L. 91-77, Sept. 29, 1969, 83 Stat. 124, provided in part that: "The Architect of the Capitol is hereby authorized, under the direction of a Commission for Extension of the United States Capitol, to be composed of

the President of the Senate, the Speaker of the House of Representatives, the majority leader of the Senate, the majority leader of the House of Representatives, the minority leader of the Senate, the minority leader of the House of Representatives, and the Architect of the Capitol, to provide for the extension, reconstruction, and replacement of the central portion of the United States Capitol in substantial accordance with scheme B of the architectural plan submitted by a joint commission of Congress and reported to Congress on March 3, 1905 (House Document numbered 385, Fifty-eighth Congress), but with such modifications and additions, including provisions for restaurant facilities, and such other facilities in the Capitol Grounds, together with utilities, equipment, approaches, and other appurtenant or necessary items, as may be approved by said Commission."

GALLERY FACILITIES IN HOUSE CHAMBER: MODERNIZATION AND IMPROVEMENT; APPOINTMENT AND TERMINATION OF SPECIAL COMMISSION; PROGRAM FORMULATION, DEVELOPMENT, AND IMPLEMENTATION; COMPLETION DATE; CONTRACT AUTHORITY; APPROPRIATIONS

Pub. L. 91-510, title IV, §499, Oct. 26, 1970, 84 Stat. 1200, provided that:

"(a) The Speaker of the House of Representatives shall appoint a special commission of the House, to be designated the 'Special Commission on Modernization of House Gallery Facilities', composed of five Members of the House, three from the majority party and two from the minority party. The Speaker shall designate as chairman of the commission one of the Members so appointed. A vacancy in the membership of the commission shall be filled in the same manner as the original appointment. The commission shall conduct a study of the structure and uses of the gallery facilities in the Chamber of the House of Representatives and shall formulate and develop a program for the modernization and improvement of the House gallery facilities in order to improve the physical conditions under which the proceedings on the floor of the House are conducted and to provide for spectators in the House galleries modernized and improved accommodations for their enlightenment, information, and understanding with respect to the proceedings on the floor of the House and the role of the House generally in the legislative branch of the Government. Any such program formulated and developed by the commission shall provide for—

"(1) the enclosure of the galleries with soundproof and transparent coverage in such manner as to preserve the visibility from the galleries of proceedings on the House floor and eliminate the audibility on the House floor of noise in the galleries;

"(2) the installation of facilities and devices which will permit the proceedings on the floor of the House to be heard by spectators in the galleries, together with facilities and devices by which appropriate comments and explanations may be made to spectators in the galleries with respect to the proceedings on the House floor; and

"(3) such other items or features of modernization and improvement of the House galleries as may be directed by the commission, including items and features of modernization designed to provide for and facilitate the consultation of legislative materials and the taking of written notes by visitors to the House galleries, under such regulations as the Speaker may from time to time prescribe, without any distraction to or disturbance of the conduct of proceedings on the floor of the House.

"(b) At the request of the commission, the Architect of the Capitol shall provide advice, counsel, and assistance to the commission in the conduct of its study.

"(c) Such study shall be completed not later than the close of the first session of the Ninety-second Congress.

"(d) After the completion of such study, the commission through the Architect of the Capitol, subject to the availability of appropriations for such purpose, shall put the program for the modernization and im-

provement of the galleries into effect. The Architect of the Capitol may procure or make such plans, enter into such contracts, employ such personnel, and take such other actions and make such expenditures, as may be necessary to complete such program of modernization and improvement of the House galleries. In all matters connected with such program, the Architect shall be subject to the supervision, direction, and control of the commission.

“(e) The commission shall cease to exist when the Speaker determines that the program for modernization and improvement of the galleries has been completed.

“(f) There are hereby authorized to be appropriated, to remain available until expended, such sums as may be necessary to carry out the provisions of this section.”

Section 499 of Pub. L. 91-510 effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91-510, set out as an Effective Date of 1970 Amendment note under section 72a of Title 2, The Congress.

§ 166a. Omitted

CODIFICATION

Section, Pub. L. 104-197, title I, Sept. 16, 1996, 110 Stat. 2404, which provided that appropriations under the control of the Architect of the Capitol were available for expenses of travel on official business, not to exceed \$20,000, was from the Congressional Operations Appropriations Act, 1997, and the Legislative Branch Appropriations Act, 1997, and was not repeated in subsequent appropriation acts.

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 104-53, title I, Nov. 19, 1995, 109 Stat. 527.
 Pub. L. 103-283, title I, July 22, 1994, 108 Stat. 1434.
 Pub. L. 103-69, title I, Aug. 11, 1993, 107 Stat. 702.
 Pub. L. 102-392, title I, Oct. 6, 1992, 106 Stat. 1714.
 Pub. L. 102-90, title I, Aug. 14, 1991, 105 Stat. 458.
 Pub. L. 101-520, title I, Nov. 5, 1990, 104 Stat. 2266.
 Pub. L. 101-163, title I, Nov. 21, 1989, 103 Stat. 1055.
 Pub. L. 100-458, title I, Oct. 1, 1988, 102 Stat. 2169.
 Pub. L. 100-202, §101(i) [title I], Dec. 22, 1987, 101 Stat. 1329-290, 1329-301.
 Pub. L. 99-500, §101(j) [H.R. 5203, title I], Oct. 18, 1986, 100 Stat. 1783-287, and Pub. L. 99-591, §101(j), Oct. 30, 1986, 100 Stat. 3341-287.
 Pub. L. 99-151, title I, Nov. 13, 1985, 99 Stat. 800.
 Pub. L. 98-367, title I, July 17, 1984, 98 Stat. 482.
 Pub. L. 98-51, title I, §112, July 14, 1983, 97 Stat. 273.
 Pub. L. 97-276, §101(e) [S. 2939, title I], Oct. 2, 1982, 96 Stat. 1189.
 Pub. L. 97-51, §101(c) [H.R. 4120, title I], Oct. 1, 1981, 95 Stat. 959.
 Pub. L. 96-536, §101(c) [H.R. 7593, title I], Dec. 16, 1980, 94 Stat. 3167.
 Pub. L. 96-86, §101(c) [H.R. 4390, title I], Oct. 12, 1979, 93 Stat. 657.
 Pub. L. 95-391, title I, Sept. 30, 1978, 92 Stat. 781.
 Pub. L. 95-94, title I, Aug. 5, 1977, 91 Stat. 672.
 Pub. L. 94-440, title VI, Oct. 1, 1976, 90 Stat. 1452.
 Pub. L. 94-59, title V, July 25, 1975, 89 Stat. 287.
 Pub. L. 93-371, Aug. 13, 1974, 88 Stat. 437.
 Pub. L. 93-145, Nov. 1, 1973, 87 Stat. 540.
 Pub. L. 92-342, July 10, 1972, 86 Stat. 442.
 Pub. L. 92-51, July 9, 1971, 85 Stat. 137.
 Pub. L. 91-382, Aug. 18, 1970, 84 Stat. 818.
 Pub. L. 91-145, Dec. 12, 1969, 83 Stat. 350.
 Pub. L. 90-417, July 23, 1968, 82 Stat. 407.
 Pub. L. 90-57, July 28, 1967, 81 Stat. 136.
 Pub. L. 89-545, Aug. 27, 1966, 80 Stat. 364.
 Pub. L. 89-90, July 27, 1965, 79 Stat. 276.
 Pub. L. 88-454, Aug. 20, 1964, 78 Stat. 544.
 Pub. L. 88-248, Dec. 30, 1963, 77 Stat. 812.
 Pub. L. 87-730, Oct. 2, 1962, 76 Stat. 688.
 Pub. L. 87-130, Aug. 10, 1961, 75 Stat. 329.
 Pub. L. 86-628, July 12, 1960, 74 Stat. 455.
 Pub. L. 86-176, Aug. 21, 1959, 73 Stat. 407.
 Pub. L. 85-570, July 31, 1958, 72 Stat. 448.

Pub. L. 85-75, July 1, 1957, 71 Stat. 251.
 June 27, 1956, ch. 453, 70 Stat. 365.
 Aug. 5, 1955, ch. 568, 69 Stat. 515.
 July 2, 1954, ch. 455, title I, 68 Stat. 405.
 Aug. 1, 1953, ch. 304, title I, 67 Stat. 327.
 July 9, 1952, ch. 598, 66 Stat. 472.
 Oct. 11, 1951, ch. 485, 65 Stat. 396.
 Sept. 6, 1950, ch. 896, Ch. II, 64 Stat. 602.
 June 22, 1949, ch. 235, 63 Stat. 224.
 June 14, 1948, ch. 467, 62 Stat. 430.
 July 17, 1947, ch. 262, 61 Stat. 369.
 July 1, 1946, ch. 530, 60 Stat. 400.
 June 13, 1945, ch. 189, 59 Stat. 251.
 June 28, 1944, ch. 277, title I, 58 Stat. 346.
 June 26, 1943, ch. 173, title I, 57 Stat. 232.
 June 8, 1942, ch. 396, 56 Stat. 341.
 July 1, 1941, ch. 268, 55 Stat. 457.
 June 18, 1940, ch. 396, 54 Stat. 472.

§ 166a-1. Appropriations under control of Architect of Capitol; availability for expenses of advertising

Appropriations under the control of the Architect of the Capitol shall be available for expenses of advertising and personal and other services.

(Feb. 28, 1929, ch. 367, 45 Stat. 1395; June 6, 1930, ch. 407, 46 Stat. 513.)

CODIFICATION

Section consolidates provisions from the Legislative Branch Appropriation Acts for fiscal years 1930 and 1931.

Section was formerly classified to section 689 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, §1, Sept. 13, 1982, 96 Stat. 877.

§ 166b. Omitted

Section, Pub. L. 88-426, title II, §203(d), Aug. 14, 1964, 78 Stat. 415; Pub. L. 90-206, title II, §219(3), Dec. 16, 1967, 81 Stat. 639; Pub. L. 94-82, title II, §204(b), Aug. 9, 1975, 89 Stat. 421; Pub. L. 96-146, §1(2), Dec. 14, 1979, 93 Stat. 1086, set compensation of Assistant Architect of the Capitol at a rate equal to the rate for level V of Executive Schedule under 5 U.S.C. 5315. See section 166b-3a of this title.

A prior section 166b, acts May 18, 1946, ch. 263, title I, 60 Stat. 184; July 1, 1946, ch. 530, 60 Stat. 400; July 17, 1947, ch. 262, 61 Stat. 369; Oct. 15, 1949, ch. 695, §6(a), 63 Stat. 881; Aug. 5, 1955, ch. 568, §101, 69 Stat. 515, prescribed annual rate of basic compensation for Assistant Architect of the Capitol, prior to repeal by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 653, 654.

§ 166b-1. Repealed. Pub. L. 101-163, title I, § 106(b), Nov. 21, 1989, 103 Stat. 1056

Section, Pub. L. 96-536, §101(c) [H.R. 7593, title I, title III, §303], Dec. 16, 1980, 94 Stat. 3167, set the salary of the Executive Assistant, Architect of the Capitol.

A prior section 166b-1, Pub. L. 91-382, Aug. 18, 1970, 84 Stat. 817, which prescribed salary of Executive Assistant, Architect of the Capitol, was superseded by Pub. L. 96-536.

Another prior section 166b-1, acts Aug. 14, 1964, Pub. L. 88-426, title II, §203(e), 78 Stat. 415; Dec. 16, 1967, Pub. L. 90-206, title II, §219(4), 81 Stat. 639, which prescribed compensation of Second Assistant Architect of the Capitol, was superseded by provisions of Pub. L. 91-382 which replaced Second Assistant with an Executive Assistant, Architect of the Capitol.

Another prior section 166b-1, acts Aug. 5, 1955, ch. 568, 69 Stat. 515; July 1, 1957, Pub. L. 85-75, 71 Stat. 251; Aug. 10, 1961, Pub. L. 87-130, 75 Stat. 329, which prescribed salary of Second Assistant Architect of the Capitol, was repealed by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 658.

§ 166b-1a. Compensation of employees under Architect of Capitol; single per annum gross rates of pay

Whenever the rate of pay of—

(1) an employee of the Office of the Architect of the Capitol; or

(2) an employee of the House Restaurant, or of the Senate Restaurant, under the supervision of the Architect of the Capitol as an agent of the House or Senate, respectively, as the case may be;

is fixed or adjusted on or after the effective date of this section, that rate, as so fixed and adjusted, shall be a single per annum gross rate.

(Pub. L. 91-510, title IV, §481, Oct. 26, 1970, 84 Stat. 1196.)

REFERENCES IN TEXT

The effective date of this section, referred to in text, means immediately prior to noon on Jan. 3, 1971. See section 601(1) of Pub. L. 91-510, set out as an Effective Date of 1970 Amendment note under section 72a of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b-1b, 166b-1c, 166b-1d, 166b-1e, 166b-1f of this title.

§ 166b-1b. Conversion by Architect of Capitol of existing basic pay rates to per annum gross pay rates

The Architect of the Capitol shall convert, as of the effective date of this section, to a single per annum gross rate, the rate of pay of each employee described in subparagraph (1) or subparagraph (2) of section 166b-1a of this title, whose pay immediately prior to such effective date was fixed at a basic rate with respect to which additional pay was payable by law.

(Pub. L. 91-510, title IV, §482, Oct. 26, 1970, 84 Stat. 1196.)

REFERENCES IN TEXT

The effective date of this section, referred to in text, means immediately prior to noon on Jan. 3, 1971. See section 601(1) of Pub. L. 91-510, set out as an Effective Date of 1970 Amendment note under section 72a of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b-1c, 166b-1d, 166b-1e, 166b-1f of this title.

§ 166b-1c. Obsolete references in existing law to basic pay rates

In any case in which—

(1) the rate of pay of, or any maximum or minimum rate of pay with respect to—

(A) any employee described in subparagraph (1) or subparagraph (2) of section 166b-1a of this title, or

(B) the position of such employee, or

(C) any class or group of such employees or positions,

is referred to in or provided by statute or other authority; and

(2) the rate so referred to or provided is a basic rate with respect to which additional pay is provided by law;

such statutory provision or authority shall be deemed to refer, in lieu of such basic rate, to the

per annum gross rate which an employee receiving such basic rate immediately prior to the effective date of this section would receive, without regard to such statutory provision or authority, under section 166b-1b of this title on and after such date.

(Pub. L. 91-510, title IV, §483, Oct. 26, 1970, 84 Stat. 1196.)

REFERENCES IN TEXT

The effective date of this section, referred to in text, means immediately prior to noon on Jan. 3, 1971. See section 601(1) of Pub. L. 91-510, set out as an Effective Date of 1970 Amendment note under section 72a of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b-1d, 166b-1e, 166b-1f of this title.

§ 166b-1d. Savings provisions

The provisions of sections 166b-1a to 166b-1f of this title shall not be construed to—

(1) limit or otherwise affect any authority for the making of any appointment to, or for fixing or adjusting the pay for, the position of any employee described in subparagraph (1) or subparagraph (2) of section 166b-1a of this title;

(2) affect the continuity of employment of, or reduce the pay of, any employee holding any position referred to in subparagraph (1) of this section; or

(3) modify, change, supersede, or otherwise affect the provisions of sections 5504 and 6101(a)(5) of title 5, insofar as such sections relate to the Office of the Architect of the Capitol.

(Pub. L. 91-510, title IV, §484, Oct. 26, 1970, 84 Stat. 1197.)

EFFECTIVE DATE

Section effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91-510, set out as an Effective Date of 1970 Amendment note under section 72a of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b-1e, 166b-1f of this title.

§ 166b-1e. Effect on existing law

(a) All provisions of law inconsistent with sections 166b-1a to 166b-1f of this title are hereby superseded to the extent of the inconsistency.

(b) Sections 5504 and 6101(a)(5) of title 5 shall apply to employees of the House and Senate Restaurants who are paid at per annum rates of pay as long as such employees are under the supervision of the Architect of the Capitol as an agent of the House or Senate, respectively, as the case may be.

(Pub. L. 91-510, title IV, §485, Oct. 26, 1970, 84 Stat. 1197.)

EFFECTIVE DATE

Section effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91-510, set out as an Effective Date of 1970 Amendment note under section 72a of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b-1d, 166b-1f of this title.

§ 166b-1f. Exemptions

Notwithstanding any other provision of sections 166b-1a to 166b-1f of this title, the foregoing provisions of such sections do not apply to any employee described in section 166b-1a of this title whose pay is fixed and adjusted—

(1) in accordance with chapter 51, and subchapter III of chapter 53, of title 5, relating to classification and General Schedule pay rates;

(2) in accordance with subchapter IV of chapter 53 of title 5, relating to prevailing rate pay systems;

(3) at per hour or per diem rates in accordance with section 3 of the Legislative Pay Act of 1929, as amended (46 Stat. 38; 55 Stat. 615), relating to employees performing professional and technical services for the Architect of the Capitol in connection with construction projects and employees under the Office of the Architect of the Capitol whose tenure of employment is temporary or of uncertain duration; or

(4) in accordance with prevailing rates under authority of sections 174j-1 to 174j-7 of this title entitled “Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes”, or section 174k of this title, relating to the duties of the Architect of the Capitol with respect to the House of Representatives Restaurant.

(Pub. L. 91-510, title IV, §486, Oct. 26, 1970, 84 Stat. 1197.)

REFERENCES IN TEXT

The General Schedule, referred to in par. (1), is set out under section 5332 of Title 5, Government Organization and Employees.

Section 3 of the Legislative Pay Act of 1929, as amended (46 Stat. 38; 55 Stat. 615), referred to in par. (3), amended section 2 of the Classification Act of 1923, which was classified to section 662 of former Title 5, Executive Departments and Government Officers and Employees. The Classification Act of 1923, as amended, was repealed and superseded by the Classification Act of 1949, Oct. 28, 1949, ch. 782, 63 Stat. 954, 972. The amendment of section 3 of the Legislative Pay Act of 1929 made by act Aug. 1, 1941, §6, 55 Stat. 615, was not repealed by the Classification Act of 1949. See section 1202(7), 63 Stat. 973.

Section 174j-2 of this title, included within reference in par. (4) to sections 174j-1 to 174j-7 of this title, was omitted from the Code.

EFFECTIVE DATE

Section effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91-510, set out as an Effective Date of 1970 Amendment note under section 72a of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b-1d, 166b-1e of this title.

§ 166b-2. Registered nurses compensated under appropriations for Capitol Buildings, Senate Office Buildings, and House Office Buildings; allocation to General Schedule salary grade

Notwithstanding any other provision of law, effective on the first day of the first applicable pay period which begins on or after December 27, 1974, the positions of registered nurses com-

pensated under appropriations for Capitol Buildings, Senate Office Buildings, and House Office Buildings, shall be allocated by the Architect of the Capitol at not to exceed grade 12 of the General Schedule.

Notwithstanding any other provision of law, effective January 1, 1975, none of the funds appropriated to the Architect of the Capitol shall thereafter be available for any nursing position unless the position is occupied by a Registered Nurse: *Provided*, That such provision shall not be applicable to the present incumbents of such positions.

(Pub. L. 93-554, title I, ch. III, Dec. 27, 1974, 88 Stat. 1777; Pub. L. 101-520, title I, §109, Nov. 5, 1990, 104 Stat. 2269; Pub. L. 103-283, title I, §103, July 22, 1994, 108 Stat. 1435.)

REFERENCES IN TEXT

The General Schedule, referred to in text, is set out under section 5332 of Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 166b-2, Pub. L. 85-462, §4(j), (t), June 20, 1958, 72 Stat. 208, 209, established position of Chief Nurse in the Senate Office Building, under Office of Architect of the Capitol, and set forth salary grade for each position of nurse under Architect of the Capitol.

AMENDMENTS

1994—Pub. L. 103-283 substituted “at not to exceed grade 12” for “to grade 11” in first par.

1990—Pub. L. 101-520 substituted “grade 11” for “grade 10” and struck out “and compensated initially at the same steps in such grade, currently in effect for their present grades, so long as such positions are held by the present incumbents” after “General Schedule” in first par.

§ 166b-3. Authorization to fix basic rate of compensation for certain positions

On and after August 21, 1959, the Architect of the Capitol is authorized, without regard to chapter 51 and subchapter III of chapter 53 of title 5, to fix the compensation of four positions under the appropriation “Salaries, Office of the Architect of the Capitol”, of two positions under the appropriation “Capitol Buildings”, and of one position under the appropriation “House Office Buildings” at a basic rate of \$8,200 per annum each: *Provided*, That this provision shall not be applicable to the positions of Architect or Assistant Architect.

On and after August 21, 1959, the Architect of the Capitol is authorized, without regard to chapter 51 and subchapter III of chapter 53 of title 5, to fix the compensation of one position under the appropriation “Senate Office Buildings”, at a basic rate of \$8,200 per annum.

(Pub. L. 86-176, Aug. 21, 1959, 73 Stat. 407; Pub. L. 89-309, ch. VII, Oct. 31, 1965, 79 Stat. 1147; Pub. L. 90-206, title II, §214(p), Dec. 16, 1967, 81 Stat. 638; Pub. L. 90-239, ch. IV, Jan. 2, 1968, 81 Stat. 775; Pub. L. 94-157, title I, ch. IV, Dec. 18, 1975, 89 Stat. 835; Pub. L. 101-163, title I, §106(c), Nov. 21, 1989, 103 Stat. 1056.)

CODIFICATION

“Chapter 51 and subchapter III of chapter 53 of title 5” substituted for “the Classification Act of 1949, as amended” in text on authority of Pub. L. 89-554, §7(b),

Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1989—Pub. L. 101-163 substituted “four positions” for “three positions” and “Architect or Assistant Architect” for “Architect, Assistant Architect, or Second Assistant Architect of the Capitol”.

1975—Pub. L. 94-157 increased to two positions from one position the number of positions under the appropriation “Capitol Buildings”.

1968—Pub. L. 90-239 increased the compensation of one position under appropriation “Senate Office Buildings” from “\$7,700” to “\$8,200”.

1967—Pub. L. 90-206 increased the compensation from \$7,700 to \$8,200 per annum each of the three positions under the appropriation “Salaries, Office of the Architect of the Capitol”, of one position under the appropriation “Capitol Buildings”, and of one position under the appropriation “House Office Buildings”.

1965—Pub. L. 89-309 increased the compensation of one position under appropriation “Senate Office Buildings” from \$7,020 to \$7,700.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-206 effective as of beginning of first pay period which begins on or after Oct. 1, 1967, see section 220(a)(2) of Pub. L. 90-206, set out as a note under section 5332 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 166b-3a of this title; title 5 section 5307.

§ 166b-3a. Compensation of certain positions in Office of Architect of Capitol

(a) Amount of compensation to be that specified in appropriations Acts

Notwithstanding any other provision of law, the pay for positions described in subsection (b) of this section shall be the amounts specified for such positions in appropriations Acts.

(b) Positions covered

The positions referred to in subsection (a) of this section are—

(1) the position of assistant referred to in the proviso in the first undesignated paragraph under the center subheadings “OFFICE OF THE ARCHITECT OF THE CAPITOL” and “SALARIES” in the first section of the Legislative Branch Appropriation Act, 1971 (40 U.S.C. 164a), and

(2) the eight positions provided for in the third and fourth undesignated paragraphs under the center subheadings “OFFICE OF THE ARCHITECT OF THE CAPITOL” and “SALARIES” in the first section of the Legislative Branch Appropriation Act, 1960 (40 U.S.C. 166b-3).

(c) Calculation of amounts

The pay for each position described in subsection (b) of this section shall be the pay payable for such position with respect to the last pay period before this section takes effect, subject to any applicable adjustment during fiscal year 1988 under, or by reference to any applicable adjustment during fiscal year 1988 under, subchapter I of chapter 53 of title 5.

(d) Effective date

This section shall apply in fiscal years beginning after September 30, 1987, with respect to pay periods beginning after December 22, 1987.

(Pub. L. 100-202, §101(i) [title III, §308], Dec. 22, 1987, 101 Stat. 1329-290, 1329-309; Pub. L. 101-163, title I, §106(e), Nov. 21, 1989, 103 Stat. 1057.)

AMENDMENTS

1989—Subsec. (b). Pub. L. 101-163 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The positions referred to in subsection (a) of this section are: (1) the two positions of assistant referred to in the proviso in the first undesignated paragraph under the center subheadings ‘OFFICE OF THE ARCHITECT OF THE CAPITOL’ and ‘SALARIES’ in the Legislative Branch Appropriation Act, 1971 (40 U.S.C. 164a), and (2) the seven positions provided for in the third and fourth undesignated paragraphs under the center subheadings ‘OFFICE OF THE ARCHITECT OF THE CAPITOL’ and ‘SALARIES’ in the Legislative Branch Appropriation Act, 1960 (40 U.S.C. 166b-3).”

COMPENSATION OF ASSISTANT ARCHITECT OF THE CAPITOL

Pub. L. 107-68, title I, §129(b), Nov. 12, 2001, 115 Stat. 580, provided that: “Pursuant to the authority described in section 308(a) of the Legislative Branch Appropriations Act, 1988 (40 U.S.C. 166b-3a(a)), the pay for the position of assistant referred to in the proviso in the first undesignated paragraph under the center subheadings ‘Office of the Architect of the Capitol’ and ‘salaries’ in the first section of the Legislative Branch Appropriation Act, 1971 (40 U.S.C. 164a) shall be an amount equal to \$1,000 less than the annual rate of pay for the Architect of the Capitol.”

FISCAL YEAR ADJUSTMENTS IN PAY

Section 307 of Pub. L. 101-163 provided that: “The pay for the positions described in section 308(b) of the Legislative Branch Appropriations Act, 1988, as contained in section 101(i) of Public Law 100-202 [40 U.S.C. 166b-3a(b)]—

“(1) shall be subject to any applicable adjustment during fiscal year 1990 under, or by reference to any applicable adjustment during fiscal year 1990 under, subchapter I of chapter 53 of title 5, United States Code; and

“(2) with respect to the position of Assistant Architect of the Capitol, shall be subject to any recommendation of the President that, pursuant to section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 et seq.), takes effect during fiscal year 1990.”

Similar provisions were contained in the following prior appropriations act:

Pub. L. 100-458, title III, §308, Oct. 1, 1988, 102 Stat. 2183.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 5306.

§ 166b-3b. Compensation of certain positions under jurisdiction of Architect of Capitol

(a) Twelve positions fixed in relation to Senior Executive Service

The Architect of the Capitol may fix the rate of basic pay for not more than 12 positions at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5 for the locality involved.

(b) Eight positions fixed in relation to General Schedule

Effective beginning with any pay period beginning on or after August 14, 1991, the rate of basic pay for up to 8 positions under the jurisdiction of the Architect of the Capitol may be fixed at such rate as the Architect considers appropriate for each, not to exceed 135 percent of the mini-

num rate payable for grade GS-15 of the General Schedule.

(c) Executive Project Directors

The Architect of the Capitol may fix the rate of basic pay for not more than 4 positions for Executive Project Directors whose salary is payable from project funds, at a rate not to exceed 95 percent of the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5 for the locality involved.

(Pub. L. 101-520, title I, §108, Nov. 5, 1990, 104 Stat. 2268; Pub. L. 102-90, title I, §104, Aug. 14, 1991, 105 Stat. 459; Pub. L. 105-55, title III, §311(a), (b), Oct. 7, 1997, 111 Stat. 1201; Pub. L. 107-68, title I, §129(c)(1), Nov. 12, 2001, 115 Stat. 580; Pub. L. 107-117, div. B, §914(a), Jan. 10, 2002, 115 Stat. 2324.)

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (b), is set out under section 5332 of Title 5, Government Organization and Employees.

AMENDMENTS

2002—Subsec. (c). Pub. L. 107-117 added subsec. (c).

2001—Subsec. (a). Pub. L. 107-68, §129(c)(1)(A), added subsec. (a) and struck out former subsec. (a) which read as follows: “Effective as of the first day of the first applicable pay period beginning on or after November 5, 1990, the compensation of the Director of Engineering (under the Architect of the Capitol) shall be equal to such rate as the Architect considers appropriate, not to exceed 90 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved.”

Subsecs. (b), (c). Pub. L. 107-68, §129(c)(1), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows:

“(1) Effective beginning with any pay period beginning on or after November 5, 1990, the Architect of the Capitol may fix the rate of basic pay—

“(A) for not more than one of the positions under paragraph (2) at a rate not to exceed 90 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved; and

“(B) for any other position under paragraph (2), at such rate as the Architect considers appropriate for such position, not to exceed 85 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved.

“(2) Authority under paragraph (1) may be exercised with respect to any of the following positions under the jurisdiction of the Architect of the Capitol:

“(A) The Senior Landscape Architect.

“(B) The Administrative Assistant.

“(C) The Executive Officer.

“(D) The Budget Officer.

“(E) The General Counsel.

“(F) The Superintendent of the Senate Office Buildings.

“(G) The Superintendent of the House Office Buildings.

“(H) The Supervising Engineer of the United States Capitol.”

1997—Subsec. (a). Pub. L. 105-55, §311(a), substituted “such rate as the Architect considers appropriate, not to exceed 90 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved” for “the rate of basic pay payable for level V of the Executive Schedule”.

Subsec. (b)(1). Pub. L. 105-55, §311(b)(1), struck out at end “For purposes of the preceding sentence, ‘the maximum rate allowable for the Senior Executive Service’ means the highest rate of basic pay that may be set for the Senior Executive Service under section 5382(b) of title 5.”

Subsec. (b)(1)(A), (B). Pub. L. 105-55, §311(b)(2), substituted “the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved” for “the maximum rate allowable for the Senior Executive Service”.

1991—Subsec. (b)(1). Pub. L. 102-90, §104(a)(3), inserted sentence at end relating to maximum rate allowable for Senior Executive Service.

Subsec. (b)(1)(A). Pub. L. 102-90, §104(a)(1), substituted “90 percent of the maximum rate allowable for the Senior Executive Service;” for “the rate payable for grade GS-18 of the General Schedule;”.

Subsec. (b)(1)(B). Pub. L. 102-90, §104(a)(2), substituted “85 percent of the maximum rate allowable for the Senior Executive Service.” for “the rate payable for step 2 of grade GS-17 of the General Schedule.”

Subsec. (c). Pub. L. 102-90, §104(b), added subsec. (c).

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-117, div. B, §914(b), Jan. 10, 2002, 115 Stat. 2324, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to pay periods beginning on or after October 1, 2001.”

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-68, title I, §129(c)(2), Nov. 12, 2001, 115 Stat. 580, provided that: “The amendment made by paragraph (1) [amending this section] shall apply with respect to pay periods beginning on or after the expiration of the 21-day period which begins on the date the Architect of the Capitol submits to the Committees on Appropriations of the House of Representatives and Senate a list containing the 12 positions for which the Architect will fix the rate of basic pay under the amendment, the rate of basic pay for each such position, and the job description for each such position.”

EFFECTIVE DATE OF 1997 AMENDMENT

Section 311(c) of Pub. L. 105-55 provided that: “The amendments made by this section [amending this section] shall apply with respect to pay periods beginning on or after January 1, 1998.”

§ 166b-4. Gratuities for survivors of deceased employees under jurisdiction of Architect of Capitol

Until otherwise provided by law, there is authorized to be paid out of the applicable accounts of the House of Representatives, on vouchers signed by the chairman of the Committee on House Oversight, a gratuity to the widow, widower, or heirs-at-law, of each deceased employee under the jurisdiction of the Architect of the Capitol who was assigned to duty in the House of Representatives at the time of his death. The payment of each such gratuity shall be in accordance with uniform rules and regulations adopted by the Committee on House Oversight except that no such gratuity shall be in excess of that payable to the widow, widower, or heirs-at-law of any deceased employee under the jurisdiction of the Architect of the Capitol having a comparable length of service, who was assigned to similar duties in the Senate at the time of his death.

(Pub. L. 88-454, §103, Aug. 20, 1964, 78 Stat. 550; Pub. L. 104-186, title II, §221(1), Aug. 20, 1996, 110 Stat. 1748.)

CODIFICATION

Section is based on House Resolution No. 291, June 18, 1963, which was enacted into permanent law by Pub. L. 88-454.

AMENDMENTS

1996—Pub. L. 104-186 substituted “applicable accounts” for “contingent fund” and substituted “House Oversight” for “House Administration” in two places.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 166b-5. Withholding and remittance of State income tax by Architect of Capitol

(a) Agreement by Architect with appropriate State official; covered individuals

Whenever—

(1) the law of any State provides for the collection of an income tax by imposing upon employers generally the duty of withholding sums from the compensation of employees and remitting such sums to the authorities of such State; and

(2) such duty to withhold is imposed generally with respect to the compensation of employees who are residents of such State;

then the Architect of the Capitol is authorized, in accordance with the provisions of this section, to enter into an agreement with the appropriate official of that State to provide for the withholding and remittance of sums for individuals—

(A) employed by the Office of the Architect of the Capitol, the United States Botanic Garden, or the Senate Restaurant; and

(B) who request the Architect to make such withholdings for remittance to that State.

(b) Number of remittances authorized

Any agreement entered into under subsection (a) of this section shall not require the Architect to remit such sums more often than once each calendar quarter.

(c) Requests for withholding and remittance; amount of withholding; number and effective date of requests; change of designated State; revocation of request; rules and regulations

(1) An individual employed by the Office of the Architect of the Capitol, the United States Botanic Garden, or the Senate Restaurant may request the Architect to withhold sums from his pay for remittance to the appropriate authorities of the State that he designates. Amounts of withholdings shall be made in accordance with those provisions of the law of that State which apply generally to withholding by employers.

(2) An individual may have in effect at any time only one request for withholdings, and he may not have more than two such requests in effect with respect to different States during any one calendar year. The request for withholdings is effective on the first day of the first pay period commencing on or after the day on which the request is received in the Office of the Architect, the Botanic Garden Office, or the Senate Restaurant Accounting Office except that—

(A) when the Architect first enters into an agreement with a State, a request for withholdings shall be effective on such date as the Architect may determine; and

(B) when an individual first receives an appointment, the request shall be effective on

the day of appointment, if the individual makes the request at the time of appointment.

(3) An individual may change the State designated by him for the purposes of having withholdings made and request that the withholdings be remitted in accordance with such change, and he may also revoke his request for withholdings. Any change in the State designated or revocation is effective on the first day of the first pay period commencing on or after the day on which the request for change or the revocation is received in the appropriate office.

(4) The Architect is authorized to issue rules and regulations he considers appropriate in carrying out this subsection.

(d) Time or times of agreements by Architect

The Architect may enter into agreements under subsection (a) of this section at such time or times as he considers appropriate.

(e) Provisions as not imposing duty, burden, requirement or penalty upon United States or any officer or employee of United States

This section imposes no duty, burden, or requirement upon the United States, or any officer or employee of the United States, except as specifically provided in this section. Nothing in this section shall be deemed to consent to the application of any provision of law which has the effect of subjecting the United States, or any officer or employee of the United States to any penalty or liability by reason of the provisions of this section.

(f) “State” defined

For the purposes of this section, “State” means any of the States of the United States.

(Pub. L. 94-59, title V, § 501, July 25, 1975, 89 Stat. 290.)

§ 166b-6. Assignment and reassignment of personnel by Architect of Capitol for personal services

Notwithstanding any other provisions of law, in order to improve the economic use of the personal services of his employees, the Architect of the Capitol is authorized on and after October 12, 1979, to assign and reassign, without increase or decrease in basic salary or wages, any person on the employment rolls of his Office, for personal services in any buildings, facilities or grounds under his jurisdiction or for personal services in connection with any project under his jurisdiction for which appropriations have been made and are available, whenever such action, in his opinion, will be most advantageous to the interest of or result in either specific or overall savings to the Government. Exceptions may be made where there are differences in equipment. No assignment or reassignment of personnel by the Architect of the Capitol pursuant to this provision shall operate in any respect to augment or decrease any general or specific appropriation.

(Pub. L. 96-86, § 101(c), Oct. 12, 1979, 93 Stat. 657; Pub. L. 100-202, § 106, Oct. 22, 1987, 101 Stat. 1329-433.)

CODIFICATION

Section is based on section 102 of title I of H.R. 4390 (Legislative Branch Appropriation Act, 1980), as incorporated by reference by section 101(c) of Pub. L. 96-86, and enacted into law by section 106 of Pub. L. 100-202.

EFFECTIVE DATE

Section 106 of Pub. L. 100-202 provided in part that this section is effective on date of enactment [Oct. 12, 1979] of the "pertinent joint resolution" making continuing appropriations for fiscal year 1980 [Pub. L. 96-86].

PILOT PROGRAM TO DETERMINE ECONOMIC FEASIBILITY OF CENTRALIZING CERTAIN MAINTENANCE FUNCTIONS AND ASSIGNING OR REASSIGNING PERSONS ON EMPLOYMENT ROLLS

Pub. L. 101-163, title I, §104, Nov. 21, 1989, 103 Stat. 1056, provided that: "Notwithstanding any other provisions of law, the Architect of the Capitol is hereby authorized to (1) develop a pilot program to determine the economic feasibility and efficiency of centralizing certain maintenance functions, to assign and reassign, without increase or decrease in basic salary or wages, any person on the employment rolls of the Office of the Architect of the Capitol, for personal services in any buildings, facilities, or grounds under his jurisdiction for which appropriations have been made and are available; (2) maintain appropriate cost and productivity records for the program; and (3) report to appropriate authorities, including the Committees on Appropriations, on the results of the program, together with recommendations for continuation or expansion of the program."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 100-458, title I, §104, Oct. 1, 1988, 102 Stat. 2171.

Pub. L. 100-202, §101(i) [title I, §103], Dec. 22, 1987, 101 Stat. 1329-290, 1329-302.

§ 166b-7. Architect of the Capitol human resources program**(a) Short title**

This section may be cited as the "Architect of the Capitol Human Resources Act".

(b) Finding and purpose**(1) Finding**

The Congress finds that the Office of the Architect of the Capitol should develop human resources management programs that are consistent with the practices common among other Federal and private sector organizations.

(2) Purpose

It is the purpose of this section to require the Architect of the Capitol to establish and maintain a personnel management system that incorporates fundamental principles that exist in other modern personnel systems.

(c) Personnel management system**(1) Establishment**

The Architect of the Capitol shall establish and maintain a personnel management system.

(2) Requirements

The personnel management system shall at a minimum include the following:

(A) A system which ensures that applicants for employment and employees of the Architect of the Capitol are appointed, pro-

moted, and assigned on the basis of merit and fitness after fair and equitable consideration of all applicants and employees through open competition.

(B) An equal employment opportunity program which includes an affirmative employment program for employees and applicants for employment, and procedures for monitoring progress by the Architect of the Capitol in ensuring a workforce reflective of the diverse labor force.

(C) A system for the classification of positions which takes into account the difficulty, responsibility, and qualification requirements of the work performed, and which conforms to the principle of equal pay for substantially equal work.

(D) A program for the training of Architect of the Capitol employees which has among its goals improved employee performance and opportunities for employee advancement.

(E) A formal performance appraisal system which will permit the accurate evaluation of job performance on the basis of objective criteria for all Architect of the Capitol employees.

(F) A fair and equitable system to address unacceptable conduct and performance by Architect of the Capitol employees, including a general statement of violations, sanctions, and procedures which shall be made known to all employees, and a formal grievance procedure.

(G) A program to provide services to deal with mental health, alcohol abuse, drug abuse, and other employee problems, and which ensures employee confidentiality.

(H) A formal policy statement regarding the use and accrual of sick and annual leave which shall be made known to all employees, and which is consistent with the other requirements of this section.

(d) Implementation of personnel management system**(1) Development of plan**

The Architect of the Capitol shall—

(A) develop a plan for the establishment and maintenance of a personnel management system designed to achieve the requirements of subsection (c) of this section;

(B) submit the plan to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, the Joint Committee on the Library, and the Committees on Appropriations of the Senate and the House of Representatives not later than 12 months after July 22, 1994; and

(C) implement the plan not later than 90 days after the plan is submitted to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, the Joint Committee on the Library, and the Committees on Appropriations of the Senate and the House of Representatives, as specified in subparagraph (B).

(2) Evaluation and reporting

The Architect of the Capitol shall develop a system of oversight and evaluation to ensure

that the personnel management system of the Architect of the Capitol achieves the requirements of subsection (c) of this section and complies with all other relevant laws, rules and regulations. The Architect of the Capitol shall report to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, and the Joint Committee on the Library on an annual basis the results of its evaluation under this subsection.

(3) Application of laws

Nothing in this section shall be construed to alter or supersede any other provision of law otherwise applicable to the Architect of the Capitol or its employees, unless expressly provided in this section.

(Pub. L. 103-283, title III, §312, July 22, 1994, 108 Stat. 1443; Pub. L. 104-1, title V, §504(c)(1), Jan. 23, 1995, 109 Stat. 41.)

CODIFICATION

Section is comprised of section 312 of Pub. L. 103-283. Subsec. (f) of section 312 of Pub. L. 103-283 amended sections 60m, 1201, 1205, and 1212 of Title 2, The Congress.

AMENDMENTS

1995—Subsec. (e). Pub. L. 104-1 struck out subsec. (e) which related to processing of discrimination complaints.

SAVINGS PROVISION

Section 504(c)(1) of Pub. L. 104-1 provided in part that subsec. (e) of this section is repealed, except as provided in section 1435 of Title 2, The Congress.

TREATMENT OF SEPARATED EMPLOYEES OF ARCHITECT OF CAPITOL

Pub. L. 105-55, title III, §310, Oct. 7, 1997, 111 Stat. 1199, as amended by Pub. L. 105-275, title III, §308(b)-(d), Oct. 21, 1998, 112 Stat. 2452, 2453; Pub. L. 106-57, title III, §308, Sept. 29, 1999, 113 Stat. 427, provided that:

“(a) SEVERANCE PAY.—[Amended section 5595 of Title 5, Government Organization and Employees.]

“(b) EARLY RETIREMENT.—(1) This subsection applies to an employee of the Office of the Architect of the Capitol who—

“(A) voluntarily separates from service on or after the date of enactment of this Act [Oct. 7, 1997] and before October 1, 1999 (or, in the case of an individual who is not an employee of the United States Senate Restaurants, on or after the date of the enactment of the Legislative Branch Appropriations Act, 1999 [Oct. 21, 1998] and before October 1, 2001); and

“(B) on such date of separation—

“(i) has completed 25 years of service as defined under section 8331(12) or 8401(26) of title 5, United States Code; or

“(ii) has completed 20 years of such service and is at least 50 years of age.

“(2) Notwithstanding any provision of chapter 83 or 84 of title 5, United States Code, an employee described under paragraph (1) is entitled to an annuity which shall be computed consistent with the provisions of law applicable to annuities under section 8336(d) or 8414(b) of title 5, United States Code.

“(c) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—(1) In this subsection, the term ‘employee’ means an employee of the Office of the Architect of the Capitol, serving without limitation, who has been currently employed for a continuous period of at least 12 months, except that such term shall not include—

“(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States

Code, or another retirement system for employees of the Government;

“(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A); or

“(C) an employee who is employed on a temporary when actually employed basis.

“(2) Notwithstanding any other provision of law, in order to avoid or minimize the need for involuntary separations due to a reduction in force, reorganization, transfer of function, or other similar action affecting the agency, the Architect of the Capitol shall establish a program under which voluntary separation incentive payments may be offered to encourage eligible employees to separate from service voluntarily (whether by retirement or resignation) during the period beginning on the date of the enactment of this Act [Oct. 7, 1997] through September 30, 1999 (or, in the case of an individual who is not an employee of the United States Senate Restaurants, on or after the date of the enactment of the Legislative Branch Appropriations Act, 1999 [Oct. 21, 1998] and before October 1, 2001). The number of employees of the United States Senate Restaurants to whom voluntary separation incentive payments may be offered under the program established under the previous sentence may not exceed 50.

“(3) Such voluntary separation incentive payments shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code. Any such payment shall not be a basis of payment, and shall not be included in the computation, of any other type of Government benefit.

“(4)(A) No voluntary separation incentive payment may be paid under this section on or after the date of enactment of the Legislative Branch Appropriations Act, 1999 [Oct. 21, 1998], unless the Architect of the Capitol submits a plan described under subparagraph (B) to the Committee on Rules and Administration of the Senate and the Committee on House Oversight [now Committee on House Administration] of the House of Representatives and such committees approve the plan.

“(B) The plan referred to under subparagraph (A) shall include—

“(i) the positions and functions to be reduced or eliminated, identified by organizational unit, occupational category, and pay or grade level;

“(ii) the number and amounts of voluntary separation incentive payments to be offered; and

“(iii) a description of how the Architect of the Capitol will operate without the eliminated positions and functions.

“(5)(A) In addition to any other payments which the Architect of the Capitol is required to make under subchapter III of chapter 83 of title 5, United States Code, the Architect of the Capitol shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section. This subparagraph shall not apply to any employee of the United States Senate Restaurants.

“(B) For the purpose of this paragraph, the term ‘final basic pay’, with respect to an employee—

“(i) means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee’s final rate of basic pay; and

“(ii) includes an appropriate adjustment to the amount computed under clause (i) if the employee is last serving on other than a full-time basis.

“(6)(A) Subject to subparagraph (B), an employee who has received a voluntary separation incentive payment under this section and accepts employment with the Government of the United States within 5 years after the date of the separation on which the payment is based shall be required to repay the entire amount of

the incentive payment to the agency that paid the incentive payment.

“(B)(i) If the employment is with an executive agency (as defined by section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

“(ii) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

“(iii) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

“(C) For purposes of subparagraph (A) (but not subparagraph (B)), the term ‘employment’ includes employment under a personal services contract with the United States.

“(7) The Architect of the Capitol may prescribe regulations to carry out this subsection.

“(d) COMPETITIVE SERVICE TREATMENT FOR CERTAIN EMPLOYEES.—(1) This subsection applies to any employee of the United States Senate Restaurants of the Office of the Architect of the Capitol who—

“(A) is involuntarily separated from service on or after the date of the enactment of this Act [Oct. 7, 1997] and before October 1, 1999 (except by removal for cause on charges of misconduct or delinquency); and

“(B) has performed any period of service employed in the Office of the Architect of the Capitol (including the United States Senate Restaurants) in a position in the excepted service as defined under section 2103 of title 5, United States Code.

“(2) For purposes of applying for employment for any position in the executive branch (including for purposes of the administration of chapter 33 of title 5, United States Code, with respect to such employment application), any period of service described under paragraph (1)(B) of this subsection shall be deemed a period of service in the competitive service as defined under section 2102 of title 5, United States Code.

“(3) This subsection shall—

“(A) take effect on the date of enactment of this Act; and

“(B) apply only to an employment application submitted by an employee during the 2-year period beginning on the date of such employee’s separation from service described under paragraph (1)(A).

“(e) RETRAINING, JOB PLACEMENT, AND COUNSELING SERVICES.—(1) In this subsection, the term ‘employee’—

“(A) means an employee of the Office of the Architect of the Capitol; and

“(B) shall not include—

“(i) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

“(ii) an employee who is employed on a temporary when actually employed basis.

“(2) The Architect of the Capitol may establish a program to provide retraining, job placement, and counseling services to employees and former employees.

“(3) A former employee may not participate in a program established under this subsection, if—

“(A) the former employee was separated from service with the Office of the Architect of the Capitol for more than 1 year; or

“(B) the separation was by removal for cause on charges of misconduct or delinquency.

“(4) Retraining costs for the program established under this subsection may not exceed \$5,000 for each employee or former employee.

“(f) ADMINISTRATIVE PROVISIONS.—(1) The Architect of the Capitol—

“(A) may use employees of the Office of the Architect of the Capitol to establish and administer pro-

grams and carry out the provisions of this section; and

“(B) may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, to carry out such provisions—

“(i) not subject to the 1 year of service limitation under such section 3109(b); and

“(ii) at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

“(2) Funds to carry out subsections (a) and (c) may be expended only from funds available for the basic pay of the employee who is receiving the applicable payment.

“(3) Funds to carry out subsection (e) may be expended from any funds made available to the Architect of the Capitol.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 section 1435; title 31 sections 753, 755.

§ 166c. Acquisition of surplus supplies, materials, etc.; priority

On and after July 1, 1946, the Architect of the Capitol in expending appropriations under his control may acquire supplies, materials, equipment, furniture, and other items from Government agencies, disposing of such property under The Surplus Property Act of 1944, as amended, and shall be accorded the same priority as granted other Government agencies under that Act.

(July 1, 1946, ch. 530, 60 Stat. 401.)

REFERENCES IN TEXT

The Surplus Property Act of 1944 and “that Act”, referred to in text, are act Oct. 3, 1944, ch. 479, 58 Stat. 765, as amended, which was classified principally to sections 1611 to 1646 of Title 50, Appendix, War and National Defense, and was repealed effective July 1, 1949, with the exception of sections 1622, 1631, 1637, and 1641 of Title 50, Appendix, by act June 30, 1949, ch. 288, title VI, §602(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, §6(a), (b), 64 Stat. 583. Sections 1622 and 1641 were partially repealed by the 1949 act, and section 1622 is still set out in part in Title 50, Appendix. Section 1622(g) was repealed and reenacted as sections 47151 to 47153 of Title 49, Transportation, by Pub. L. 103-272, §1(e), 7(b), July 5, 1994, 108 Stat. 1278-1280, 1379. Section 1631 was repealed by act June 7, 1939, ch. 190, §6(e), as added by act July 23, 1946, ch. 590, 60 Stat. 599, and is covered by sections 98 et seq. of Title 50. Section 1637 was repealed by act June 25, 1948, ch. 645, §21, 62 Stat. 862, eff. Sept. 1, 1948, and is covered by section 3287 of Title 18, Crimes and Criminal Procedure. Provisions of section 1641 not repealed by the 1949 act were repealed by Pub. L. 87-256, §111(a)(1), Sept. 21, 1961, 75 Stat. 538, and are covered by chapter 33 (§2451 et seq.) of Title 22, Foreign Relations and Intercourse. The provisions of the Surplus Property Act of 1944 originally repealed by the 1949 act are covered by chapter 10 (§471 et seq.) of this title.

CODIFICATION

Section is from act July 1, 1946, popularly known as the Legislative Branch Appropriation Act, 1947.

§ 166d. Rental or lease of storage space

Notwithstanding any other provision of law, the Architect of the Capitol, with the approval of the House Office Building Commission and Senate Committee on Rules and Administration, is authorized to secure, through rental, lease, or other appropriate agreement, storage space in

areas within the District of Columbia and its environs beyond the boundaries of the United States Capitol Grounds for use of the United States Senate, the United States House of Representatives, and the Office of the Architect of the Capitol, under such terms and conditions as such Commission and committee may authorize, and to incur any necessary incidental expenses in connection therewith.

(Pub. L. 93-180, §1, Dec. 13, 1973, 87 Stat. 704.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 166e of this title.

§ 166e. Funds out of Contingent Expenses, Architect of Capitol

Any expenditures required to implement the provisions of section 166d of this title shall be paid from the appropriation "Contingent Expenses, Architect of the Capitol" and any funds appropriated under this head shall hereafter be available for such purpose.

(Pub. L. 93-180, §2, Dec. 13, 1973, 87 Stat. 705.)

§ 166f. Funds out of Capitol Buildings, Architect of Capitol

On and after October 18, 1986, the Architect of the Capitol may incur expenses authorized by section 166d of this title to be paid from the appropriation "Capitol Buildings, Architect of the Capitol".

(Pub. L. 99-500, §101(j), Oct. 18, 1986, 100 Stat. 1783-287, and Pub. L. 99-591, §101(j), Oct. 30, 1986, 100 Stat. 3341-287, as amended Pub. L. 100-71, title I, July 11, 1987, 101 Stat. 425.)

CODIFICATION

Section is based on the words "to hereafter incur expenses authorized by the Act of December 13, 1973 (87 Stat. 704)" appearing under heading "Architect of the Capitol" and subheading "Capitol Buildings" contained in H.R. 5203 (see House Report 99-805 as filed in the House on Aug. 15, 1986), as incorporated by reference in section 101(j) of Pub. L. 99-500 and Pub. L. 99-591, as amended by Pub. L. 100-71, to be effective as if enacted into law.

§ 166g. Expenses for flying American flags and providing certification services therefor

On and after November 19, 1995, expenses, based on full cost recovery, for flying American flags and providing certification services therefor shall be advanced or reimbursed upon request of the Architect of the Capitol, and amounts so received shall be deposited into the Treasury.

(Pub. L. 104-53, title I, Nov. 19, 1995, 109 Stat. 528.)

§ 166h. Transfer of funds by Architect of Capitol; approval

During fiscal year 1997 and fiscal years thereafter, amounts appropriated to the Architect of the Capitol (including amounts relating to the Botanic Garden) may be transferred among accounts available to the Architect of the Capitol upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of

amounts transferred from the appropriation for Capitol buildings and grounds under the heading "HOUSE OFFICE BUILDINGS";

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation for Capitol buildings and grounds under the heading "SENATE OFFICE BUILDINGS"; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of amounts transferred from any other appropriation.

(Pub. L. 104-197, title III, §306, Sept. 16, 1996, 110 Stat. 2413.)

§ 166i. Energy conservation and management

The Architect of the Capitol—

(1) shall develop and implement a cost-effective energy conservation strategy for all facilities currently administered by Congress to achieve a net reduction of 20 percent in energy consumption on the congressional campus compared to fiscal year 1991 consumption levels on a Btu-per-gross-square-foot basis not later than 7 years after October 21, 1998;

(2) shall submit to Congress no later than 10 months after October 21, 1998, a comprehensive energy conservation and management plan which includes life cycle costs methods to determine the cost-effectiveness of proposed energy efficiency projects;

(3) shall submit to the Committee on Appropriations in the Senate and the House of Representatives a request for the amount of appropriations necessary to carry out this section;

(4) shall present to Congress annually a report on congressional energy management and conservation programs which details energy expenditures for each facility, energy management and conservation projects, and future priorities to ensure compliance with the requirements of this section;

(5) shall perform energy surveys of all congressional buildings and update such surveys as needed;

(6) shall use such surveys to determine the cost and payback period of energy and water conservation measures likely to achieve the required energy consumption levels;

(7) shall install energy and water conservation measures that will achieve the requirements through previously determined life cycle cost methods and procedures;

(8) may contract with nongovernmental entities and employ private sector capital to finance energy conservation projects and achieve energy consumption targets;

(9) may develop innovative contracting methods that will attract private sector funding for the installation of energy-efficient and renewable energy technology to meet the requirements of this section;

(10) may participate in the Department of Energy's Financing Renewable Energy and Efficiency (FREE Savings) contracts program for Federal Government facilities; and

(11) shall produce information packages and "how-to" guides for each Member and employing authority of the Congress that detail sim-

ple, cost-effective methods to save energy and taxpayer dollars.

(Pub. L. 105-275, title III, §310, Oct. 21, 1998, 112 Stat. 2456.)

§ 166j. Construction contracts

(a) Liquidated damages

The Architect of the Capitol may not enter into or administer any construction contract with a value greater than \$50,000 unless the contract includes a provision requiring the payment of liquidated damages in the amount determined under subsection (b) of this section in the event that completion of the project is delayed because of the contractor.

(b) Amount of payment

The amount of payment required under a liquidated damages provision described in subsection (a) of this section shall be equal to the product of—

- (1) the daily liquidated damage payment rate; and
- (2) the number of days by which the completion of the project is delayed.

(c) Daily liquidated damage payment rate

(1) In general

In subsection (b) of this section, the “daily liquidated damage payment rate” means—

- (A) \$140, in the case of a contract with a value greater than \$50,000 and less than \$100,000;
- (B) \$200, in the case of a contract with a value equal to or greater than \$100,000 and equal to or less than \$500,000; and
- (C) the sum of \$200 plus \$50 for each \$100,000 increment by which the value of the contract exceeds \$500,000, in the case of a contract with a value greater than \$500,000.

(2) Adjustment in rate permitted

Notwithstanding paragraph (1), the daily liquidated damage payment rate may be adjusted by the contracting officer involved to a rate greater or lesser than the rate described in such paragraph if the contracting officer makes a written determination that the rate described does not accurately reflect the anticipated damages which will be suffered by the United States as a result of the delay in the completion of the contract.

(d) Effective date

This section shall apply with respect to contracts entered into during fiscal year 2002 or any succeeding fiscal year.

(Pub. L. 107-68, title I, §130, Nov. 12, 2001, 115 Stat. 580.)

§ 167. Lighting, heating, and ventilating House of Representatives

The electrician, together with everything pertaining to the electrical machinery and apparatus, and the ventilation and heating of the House of Representatives, and all laborers and others connected with the lighting, heating, and ventilating thereof, shall be subject exclusively to the orders, and in all respects under the direction, of the Architect of the Capitol, subject

to the control of the Speaker; and no removal or appointment shall be made except with his approval. And all engineers and others who are engaged in heating and ventilating the House shall be subject to the orders, and in all respects under the direction, of the Architect of the Capitol, subject to the control of the Speaker; and no removal or appointment shall be made except with his approval.

(Mar. 3, 1877, ch. 105, 19 Stat. 348; Mar. 3, 1881, ch. 130, §1, 21 Stat. 388.)

CODIFICATION

Section, except the words “and the ventilating and heating of the House of Representatives,” is based on act Mar. 3, 1881, popularly known as the “Legislative, Executive, and Judicial Appropriation Act”. The excepted words were based on act Mar. 3, 1877, popularly known as the “Sundry Civil Appropriation Act, fiscal year 1878”.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

§ 167a. Repealed. Pub. L. 90-417, July 23, 1968, 82 Stat. 407

Section, act July 9, 1952, ch. 598, title I, 66 Stat. 473, directed Architect of Capitol to maintain service for House of Representatives after daily adjournment.

EFFECTIVE DATE OF REPEAL

Pub. L. 90-417 provided that after June 30, 1968, provisions of section 167a shall no longer be applicable.

§ 168. Heating and ventilating Senate wing

All engineers and others who are engaged in heating and ventilating the Senate wing of the Capitol shall be subject to the orders and in all respects under the direction of the Architect of the Capitol, subject to the approval of the Senate Committee on Rules and Administration.

(July 11, 1888, ch. 615, 25 Stat. 258; Aug. 2, 1946, ch. 753, title I, §102, title II, §224, 60 Stat. 814, 838.)

CODIFICATION

Section is based on act July 11, 1888, popularly known as the “Legislative, Executive, and Judicial Appropriation Act July 11, 1888, fiscal year 1889”.

AMENDMENTS

1946—Act Aug. 2, 1946, substituted “Committee on Rules and Administration” for “Committee on Rules”.

EFFECTIVE DATE OF 1946 AMENDMENT

Section 142 of act Aug. 2, 1946, provided that section 102 of that act shall take effect on Jan. 2, 1947, and section 245 of that act provided that section 224 thereof shall “take effect on the day on which the Eightieth Congress convenes”. The Eightieth Congress convened on Jan. 3, 1947.

§ 168a. Repealed. Oct. 31, 1951, ch. 654, §3(16), 65 Stat. 708

Section, act June 6, 1900, ch. 791, 31 Stat. 612, provided that fuel be delivered to the two wings of Capitol only during hours and under regulations as Architect of Capitol prescribes.

§ 169. Furniture for House of Representatives

The Architect of the Capitol shall supervise and direct the care and repair of all furniture in

the Hall, cloakrooms, lobby, committee rooms, and offices of the House, and all furniture required for the House of Representatives or for any of its committee rooms or offices shall be procured on designs and specifications made or approved by the said Architect.

(Apr. 28, 1902, ch. 594, 32 Stat. 125.)

CODIFICATION

Section is based on act Apr. 28, 1902, popularly known as the "Legislative, Executive, and Judicial Appropriation Act, fiscal year 1903".

CHANGE OF NAME

Change of name of the Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

§ 170. Purchase of furniture or carpets for House or Senate

No furniture or carpets for either House shall be purchased without the written order of the chairman of the Committee on Rules and Administration, for the Senate, or without the written order of the chairman of the Committee on House Oversight of the House of Representatives, for the House of Representatives.

(R.S. §1816; Aug. 2, 1946, ch. 753, title I, §102, title II, §224, 60 Stat. 814, 838; Pub. L. 104-186, title II, §221(2), Aug. 20, 1996, 110 Stat. 1748.)

CODIFICATION

R.S. §1816 derived from Res. Apr. 16, 1862, No. 28, 12 Stat. 617; acts Mar. 30, 1867, ch. 24, §2, 15 Stat. 13; July 20, 1868, ch. 177, §1, 15 Stat. 115; Mar. 3, 1869, ch. 121, §1, 15 Stat. 283, 284; Mar. 3, 1871, ch. 114, §1, 16 Stat. 500; Aug. 15, 1876, ch. 287, 19 Stat. 147.

Provision of R.S. §1816 relating to repairs of Capitol is classified to section 166 of this title.

AMENDMENTS

1996—Pub. L. 104-186 substituted "House Oversight of the House of Representatives, for the House of Representatives" for "Accounts of the House of Representatives, for the House".

1946—Act Aug. 2, 1946, substituted "Committee on Rules and Administration" for "Committee to Audit and Control the Contingent Expenses of the Senate".

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE OF 1946 AMENDMENT

Section 142 of act Aug. 2, 1946, provided that section 102 of that act shall take effect on Jan. 2, 1947, and section 245 of that act provided that section 224 thereof shall "take effect on the day on which the Eightieth Congress convenes". The Eightieth Congress convened on Jan. 3, 1947.

§ 170a. Transferred

CODIFICATION

Section, Pub. L. 97-276, §101(e), Oct. 2, 1982, 96 Stat. 1189, which related to disposition of receipts from sale of used or surplus furniture and furnishings of Senate, was transferred to section 117b-1 of Title 2, The Congress.

§ 171. Transfer of discontinued apparatus to other branches

The Architect of the Capitol may transfer apparatus, appliances, equipments, and supplies of

any kind, discontinued or permanently out of service, to other branches of the service of the United States, or District of Columbia, whenever, in his judgment the interests of the Government service may require it.

(June 26, 1912, ch. 182, §11, 37 Stat. 184; Mar. 3, 1921, ch. 124, 41 Stat. 1291; May 29, 1928, ch. 901, §1(120), 45 Stat. 995; Oct. 31, 1951, ch. 654, §3(17), 65 Stat. 708.)

CODIFICATION

Section is based on act June 26, 1912, popularly known as the "District of Columbia Appropriation Act June 26, 1912, fiscal year 1913".

PRIOR PROVISIONS

Act Mar. 2, 1911, ch. 192, §9, 36 Stat. 1011.

AMENDMENTS

1951—Act Oct. 31, 1951, struck out "with the approval of the Secretary of the Interior," after "whenever,".

1928—Act May 29, 1928, struck out provision that required a transfer statement to be submitted in the annual report to Congress by the Superintendent of the Capitol Building and Grounds.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

§ 172. Repealed. Oct. 31, 1951, ch. 654, §3(18), 65 Stat. 709

Section, act July 16, 1914, ch. 141, 38 Stat. 458, related to custodianship of the building or buildings on reservation numbered 13 in the District of Columbia selected for the purpose of storing unused documents and materials removed from the Capitol Building and Senate and House Office Buildings, and Patent Office models removed from the Senate and House Office Buildings.

§ 173. Estimates for improvements in grounds

All changes and improvements in the Capitol grounds, including approaches to the Capitol, shall be estimated for in detail, showing what modifications are proposed and the estimate cost of the same.

(Mar. 3, 1883, ch. 143, 22 Stat. 621.)

CODIFICATION

Section is based on act Mar. 3, 1883, popularly known as the "Sundry Civil Appropriation Act, fiscal year 1884".

SIMILAR PROVISIONS

Enlargement of the Capitol grounds by the acquisition of certain squares in the city of Washington, provided by the following Sundry Civil Appropriation Acts for the fiscal years 1911, 1912, 1913, and 1914.

June 23, 1913, ch. 3, 38 Stat. 44.

Aug. 24, 1912, ch. 355, 37 Stat. 454.

Mar. 4, 1911, ch. 285, 36 Stat. 1414.

June 25, 1910, ch. 384, 36 Stat. 738.

§§ 174, 174a. Omitted

CODIFICATION

Section 174, acts Aug. 26, 1912, ch. 408, 37 Stat. 605; Mar. 3, 1921, ch. 124, 41 Stat. 1291; May 29, 1928, ch. 901, §1(85), 45 Stat. 992, which related to control, supervision, and care of buildings and grounds, was superseded by act Mar. 4, 1929, ch. 708, 45 Stat. 1694, and act

July 31, 1946, ch. 707, §1, 60 Stat. 718. See sections 193a to 193m, 212a and 212b of this title.

Section 174a, act May 17, 1938, ch. 236, 52 Stat. 391, related to control and supervision of the Senate Office Building. See section 174c of this title. Similar provisions were contained in the following prior appropriation acts:

May 18, 1937, ch. 223, 50 Stat. 180.
 July 8, 1935, ch. 374, 49 Stat. 470.
 May 30, 1934, ch. 372, 48 Stat. 827.
 Feb. 28, 1933, ch. 134, 47 Stat. 1361.
 June 30, 1932, ch. 314, §1, 47 Stat. 392.
 Feb. 20, 1931, ch. 234, 46 Stat. 1184.
 June 6, 1930, ch. 407, 46 Stat. 514.

§ 174b. Senate Office Building; approval of structural changes by Architect of Capitol

Structural changes in the Senate Office Building shall only be made with the approval of the Architect of the Capitol.

(July 1, 1941, ch. 268, 55 Stat. 458.)

CODIFICATION

The following language preceded the text of this section in act July 1, 1941: "The care and operation of the Senate Office Building under the direction and supervision of the Senate Committee on Rules."

Section is based on act July 1, 1941, popularly known as the "Legislative Branch Appropriation Act, 1942".

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior acts:

June 18, 1940, ch. 396, 54 Stat. 473.
 June 16, 1939, ch. 208, 53 Stat. 832.

IMPROVEMENT OF ACCOMMODATIONS; APPROPRIATION

Pub. L. 85-95, July 10, 1957, 71 Stat. 289, provided: "That the Architect of the Capitol, under the direction of the Senate Office Building Commission, created by the Sundry Civil Appropriation Act of April 28, 1904 (33 Stat. 481), as amended, is authorized and directed to enlarge and remodel Senators' suites and to make structural, mechanical, and other changes and improvements in the existing Senate Office Building, to provide improved accommodations for the United States Senate, in accordance with plans to be prepared by or under direction of the Architect of the Capitol and to be submitted to and approved by the Senate Office Building Commission.

"SEC. 2. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, and the Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such other expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this Act."

§ 174b-1. Additional Senate office building

Upon completion of the additional office building for the United States Senate, the building and the grounds and sidewalks surrounding the same shall be subject to the provisions of sections 174(c), 174(d), 174c, 174d, 193a to 193m, 207a, 212a, 212a-2, 212a-3, and 212b of this title, in the same manner and to the same extent as the present Senate Office Building and the grounds and sidewalks surrounding the same.

(June 25, 1948, ch. 658, title I, 62 Stat. 1029.)

REFERENCES IN TEXT

Sections 174(c) and 174(d) of this title, referred to in text, have been omitted from the Code.

ACQUISITION OF PROPERTY BY ARCHITECT OF THE CAPITOL

Pub. L. 107-68, title I, §128, Nov. 12, 2001, 115 Stat. 579, provided that: "Notwithstanding any other provision of law and subject to the availability of appropriations, the Architect of the Capitol is authorized to secure, through multi-year rental, lease, or other appropriate agreement, the property located at 67 K Street, S.W., Washington, D.C., for use of Legislative Branch agencies, and to incur any necessary incidental expenses including maintenance, alterations, and repairs in connection therewith: *Provided*, That in connection with the property referred to under the preceding proviso, the Architect of the Capitol is authorized to expend funds appropriated to the Architect of the Capitol for the purpose of the operations and support of Legislative Branch agencies, including the United States Capitol Police, as may be required for that purpose."

ACQUISITION OF PROPERTY FOR USE AS RESIDENTIAL FACILITY FOR UNITED STATES SENATE PAGES

Pub. L. 102-330, §1, Aug. 3, 1992, 106 Stat. 849, as amended by Pub. L. 103-50, ch. XII, §1202, July 2, 1993, 107 Stat. 267, provided that:

"(a) ACQUISITION OF PROPERTY.—(1) The Architect of the Capitol, under the direction of the Senate Committee on Rules and Administration, may acquire, on behalf of the United States Government, by purchase, condemnation, transfer or otherwise, as an addition to the United States Capitol Grounds, such real property in the District of Columbia as may be necessary to carry out the provisions of this Act [this note]. Real property acquired for purposes of this Act, may, in the discretion of the Architect of the Capitol, extend to the outer face of the curbs of such property so acquired, including alleys or parts of alleys and streets within the lot lines and curblines surrounding such real property, together with any or all improvements thereon.

"(2) Subject to the approval by the Committee on Appropriations of the Senate, an amount necessary to enable the Architect of the Capitol to carry out the provisions of this section may be transferred from any appropriation under the heading 'SENATE' and the subheadings 'SALARIES, OFFICERS AND EMPLOYEES', and 'OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER', and the subheadings 'CONTINGENT EXPENSES OF THE SENATE' and 'SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE' to the account appropriated under the heading 'ARCHITECT OF THE CAPITOL' and the subheadings 'CAPITOL BUILDINGS AND GROUNDS' and 'SENATE OFFICE BUILDINGS'.

"(b) UNITED STATES CAPITOL GROUNDS AND BUILDINGS.—Immediately upon the acquisition by the Architect of the Capitol, on behalf of the United States, of the real property, and the improvements thereon, as provided under subsection (a), the real property acquired shall be a part of the United States Capitol Grounds, and the improvements on such real property shall be a part of the Senate Office Buildings. Such real property and improvements shall be subject to the Act of July 31, 1946 (40 U.S.C. 193a et seq.), and the Act of June 8, 1942 (40 U.S.C. 174c).

"(c) BUILDING CODES.—The real property and improvements acquired in accordance with subsection (a) shall be repaired and altered, to the maximum extent feasible as determined by the Architect of the Capitol, in accordance with a nationally recognized model building code, and other applicable nationally recognized codes (including electrical codes, fire and life safety codes, and plumbing codes, as determined by the Architect of the Capitol), using the most current edition of the nationally recognized codes referred to in this subsection.

"(d) REPAIRS; EXPENDITURES.—The Architect of the Capitol is authorized, without regard to the provisions of section 3709 of the Revised Statutes of the United States [41 U.S.C. 5], to enter into contracts and to make expenditures for (1) necessary repairs to, and refurbishment of, the real property and the improve-

ments on such real property acquired in accordance with subsection (a), including expenditures for personal and other services as may be necessary to carry out the purposes of this Act; and (2) for the construction on such real property of any facilities thereon as authorized under subsection (f). In no event shall the aggregate value of contracts and expenditures under this subsection exceed an amount equal to that authorized to be appropriated pursuant to subsection (e).

“(e) AUTHORIZATION.—There is authorized to be appropriated to the account under the heading ‘Architect of the Capitol’ and the subheadings ‘Capitol Buildings and Grounds’ and ‘Senate Office Buildings’, \$2,000,000 for carrying out the purposes of this Act. Moneys appropriated pursuant to this authorization may remain available until expended.

“(f) USE OF PROPERTY.—The real property, and improvements thereon, acquired in accordance with subsection (a) shall be available to the Sergeant at Arms and Doorkeeper of the Senate for use as a residential facility for United States Senate Pages, and for such other purposes as the Senate Committee on Rules and Administration may provide.”

AUTHORIZATION OF ARCHITECT OF CAPITOL TO LEASE CITY POST OFFICE BUILDING FOR USE BY SENATE AND FOR OTHER PURPOSES

Pub. L. 101-520, title I, §107, Nov. 5, 1990, 104 Stat. 2267, provided that:

“(a) Notwithstanding any other provision of law, the Architect of the Capitol, subject to the approval of the Committee on Rules and Administration, is authorized to lease, for use by the United States Senate, and for such other purposes as such committee may approve, 150,000 square feet of space, more or less, in the property located at 2 Massachusetts Avenue, N.E., Washington, District of Columbia, known as the City Post Office Building; *Provided*, That rental payments shall be paid from the account ‘Architect of the Capitol, Senate Office Buildings’ upon vouchers approved by the Architect of the Capitol; *Provided further*, That nothing in this section shall be construed so as to obligate the Senate or any of its Members, officers, or employees to enter into any such lease or to imply any obligation to enter into any such lease.

“(b) Notwithstanding any other provision of law, property leased under authority of subsection (a) shall be maintained by the Architect of the Capitol as part of the ‘Senate Office Buildings’ subject to the laws, rules, and regulations governing such buildings, and the Architect is authorized to incur such expenses as may be necessary to provide for such occupancy.

“(c) There is hereby authorized to be appropriated to the ‘Architect of the Capitol, Senate Office Buildings’ such sums as may be necessary to carry out the provisions of subsections (a) and (b).

“(d) There is authorized to be appropriated to the Sergeant at Arms of the United States Senate such sums as may be necessary to provide for the planning and relocation of offices and equipment to the property described in subsection (a), subject to direction by the Committee on Rules and Administration.

“(e) The authority under this section shall continue until otherwise provided by law.”

NORTH CAPITOL PLAZA BUILDING; CONTINUATION OF AUTHORITY FOR LEASE AND SUBLEASE OF PROPERTY; LEASED PROPERTY AS PART OF SENATE OFFICE BUILDINGS; RENT LIMITATIONS; NECESSITY OF SENATE RESOLUTION; TERM OF LEASE; PURCHASE OPTION

Pub. L. 94-157, title I, §112, Dec. 18, 1975, 89 Stat. 832, provided that:

“(a) Notwithstanding any other provision of law, the Sergeant at Arms of the Senate, subject to the approval of the Committee on Rules and Administration, and the Committee on Appropriations, is authorized to lease, for use by the United States Senate, and for such other purposes as such committees may approve, all or any part of the property located at 400 North Capitol

Street, Washington, District of Columbia, known as the ‘North Capitol Plaza Building’: *Provided*, That rental payments under such lease for the entire property shall not exceed \$3,375,000 per annum, exclusive of amounts for reimbursement for taxes paid and utilities furnished by the lessor; *Provided further*, That a lease shall not become effective until approved by Senate Resolution. Prior to such approval process the General Accounting Office shall examine the terms of the proposed lease and shall report to the Senate on its reasonableness, taking into account such factors as rental rates for similar space, advantages of proximity, and possible alternative arrangements. Such payments shall be paid from the Contingent Fund of the Senate upon vouchers approved by the Sergeant at Arms; *Provided further*, That such lease may be for a term not in excess of five years, and shall contain an option to purchase such property, and shall include such other terms and conditions as such committees may determine to be in the best interests of the Government; *Provided further*, That nothing in this section shall be construed so as to obligate the Senate or any of its Members, officers, or employees to enter into any such lease or to imply any obligation to enter into any such lease.

“(b) Notwithstanding any other provision of law, property leased under authority of subsection (a) shall be maintained by the Architect of the Capitol as part of the ‘Senate Office Buildings’ subject to the laws, rules, and regulations governing such buildings, and the Architect is authorized to incur such expenses as may be necessary to provide for such occupancy.

“(c) Notwithstanding any other provision of law, the Sergeant at Arms of the Senate, subject to the approval of the Committee on Rules and Administration and the Committee on Appropriations, is authorized to sublease any part of the property leased under authority of subsection (a) which is in excess of the requirements of the Senate. All rental payments under any such sublease shall be paid to the Sergeant at Arms of the Senate and such amounts shall thereupon be added to and merged with the appropriation ‘Miscellaneous Items’ under the Contingent Fund of the Senate.

“(d) Notwithstanding any other provision of law, upon the approval of the Committee on Rules and Administration and the Committee on Appropriations, the Secretary of the Senate shall transfer by voucher or vouchers to the Architect of the Capitol from the ‘Contingent Fund of the Senate’ such amounts as may be necessary for the Architect of the Capitol to carry out the provisions of subsection (b) and such amounts shall thereupon be added to and merged with the appropriation ‘Senate Office Buildings’.

“(e) The authority under this section shall continue until otherwise provided by law.”

CONSTRUCTION OF EXTENSION TO NEW SENATE OFFICE BUILDING

Pub. L. 96-69, title V, §502, Sept. 25, 1979, 93 Stat. 450, appropriated additional funds of \$52,583,400 toward finishing construction of an extension to the New Senate Office Building, to remain available until expended, set the figure \$137,730,400 as the ceiling on the total cost for construction of the building, and further provided that the building and office space therein upon completion meet all needs for personnel presently supplied by the Carrol Arms, the Senate Courts, the Plaza Hotel, and the Capitol Hill Apartments and that those buildings be vacated.

Pub. L. 93-245, ch. VI, Jan. 3, 1974, 87 Stat. 1079, appropriated funds for the construction of an extension of the Senate subway transportation system, construction of additional floor levels on the rear center wing of the Dirksen Office Building, changes to the Dirksen and Russell Office Buildings to provide improved means of circulation to, in, and through those buildings and the extension, and other changes required to properly correlate use of the three buildings.

Pub. L. 92-607, ch. V, §508, Oct. 31, 1972, 86 Stat. 1510, appropriated funds for the construction and equipment of an extension to the New Senate Office Building and

for structural and other changes in the existing New Senate Office Building necessitated by such construction.

DEVELOPMENT OF PLANS FOR GARAGE AND RELATED FACILITIES FOR SENATE

Pub. L. 92-607, ch. V, §508, Oct. 31, 1972, 86 Stat. 1512, authorized the Architect of the Capitol to conduct a study of design and cost alternatives for construction of a parking garage and to establish an architectural design competition for design of the garage structure.

ACQUISITION OF PROPERTY AS SITE FOR PARKING FACILITIES FOR SENATE

Pub. L. 92-607, ch. V, §508, Oct. 31, 1972, 86 Stat. 1510, as amended by Pub. L. 93-305, title I, ch. VIII, §801, June 8, 1974, 88 Stat. 206, authorized the Architect of the Capitol to acquire certain real property as a site for parking facilities for the Senate, with such property to become a part of the United States Capitol Grounds upon acquisition.

ACQUISITION OF PROPERTY TO EXTEND ADDITIONAL SENATE OFFICE BUILDING SITE

Pub. L. 85-429, May 29, 1958, 72 Stat. 148; Pub. L. 85-591, Aug. 6, 1958, 72 Stat. 495; Pub. L. 91-145, Dec. 12, 1969, 83 Stat. 352; Pub. L. 91-382, Aug. 18, 1970, 84 Stat. 819; Pub. L. 92-184, ch. IV, Dec. 15, 1971, 85 Stat. 637, in part authorized the Architect of the Capitol to acquire certain real property for purposes of extension of Additional Senate Office Building Site.

ADDITIONAL SENATE OFFICE BUILDING

Act Aug. 1, 1953, ch. 304, title I, 67 Stat. 328, authorized certain appropriations made available for expenditure for the preparation of additional preliminary plans and cost estimates for an additional Senate Office Building, such expenditure to be made by the Architect of the Capitol under the supervision of the Senate Office Building Commission, whose membership was increased by act Aug. 1, 1953 from five to seven members.

Act July 11, 1947, ch. 220, 61 Stat. 307, increased the membership of the Senate Office Building Commission from three to five members and provided that the Architect of the Capitol, under the supervision of the Commission, was to prepare preliminary plans and cost estimates for an additional Senate Office Building and authorized certain appropriations therefore.

FURNITURE AND FURNISHINGS

Pub. L. 85-93, July 10, 1957, 71 Stat. 284, directed Architect of the Capitol to provide furniture and furnishings for additional Senate Office Building, authorized appropriations necessary therefore, and authorized Architect of the Capitol to enter into contracts and make such expenditures as are necessary to furnish the building.

§ 174b-2. Acquisition of buildings and facilities for use by Senate in emergency situation

(a) Acquisition of buildings and facilities

Notwithstanding any other provision of law, in order to respond to an emergency situation, the Sergeant at Arms of the Senate may acquire buildings and facilities for the use of the Senate, as appropriate, by lease, purchase, or such other arrangement as the Sergeant at Arms of the Senate considers appropriate (including a memorandum of understanding with the head of an executive agency, as defined in section 105 of title 5, in the case of a building or facility under the control of such Agency). Actions taken by the Sergeant at Arms of the Senate must be approved by the Committees on Appropriations and Rules and Administration.

(b) Agreements

Notwithstanding any other provision of law, for purposes of carrying out subsection (a) of this section, the Sergeant at Arms of the Senate may carry out such activities and enter into such agreements related to the use of any building or facility acquired pursuant to such subsection as the Sergeant at Arms of the Senate considers appropriate, including—

(1) agreements with the United States Capitol Police or any other entity relating to the policing of such building or facility; and

(2) agreements with the Architect of the Capitol or any other entity relating to the care and maintenance of such building or facility.

(c) Authority of Capitol Police and Architect

(1) Architect of the Capitol

Notwithstanding any other provision of law, the Architect of the Capitol may take any action necessary to carry out an agreement entered into with the Sergeant at Arms of the Senate pursuant to subsection (b) of this section.

(2) Omitted

(d) Transfer of certain funds

Subject to the approval of the Committee on Appropriations of the Senate, the Architect of the Capitol may transfer to the Sergeant at Arms of the Senate amounts made available to the Architect for necessary expenses for the maintenance, care and operation of the Senate office buildings during a fiscal year in order to cover any portion of the costs incurred by the Sergeant at Arms of the Senate during the year in acquiring a building or facility pursuant to subsection (a) of this section.

(e) Effective date

This section and the amendments made by this section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

(Pub. L. 107-117, div. B, §901, Jan. 10, 2002, 115 Stat. 2315.)

REFERENCES IN TEXT

For the amendments made by this section, referred to in subsec. (e), see Codification note below.

CODIFICATION

Section is comprised of section 901 of Pub. L. 107-117. Subsec. (c)(2) of section 901 of Pub. L. 107-117 amended section 212a of this title.

§ 174c. Control, care, and supervision of Senate Office Building

On and after June 8, 1942 the Senate Office Building, and the employment of all services (other than for officers and privates of the Capitol Police) necessary for its protection, care, and occupancy, together with all other items that may be appropriated for by the Congress for such purposes, shall be under the control and supervision of the Architect of the Capitol, subject to the approval of the Senate Committee on Rules and Administration as to matters of general policy; and the Architect of the Capitol shall submit annually to the Congress estimates in detail for all services (other than for officers

and privates of the Capitol Police) and for all other expenses in connection with said office building and necessary for its protection, care, and occupancy.

(June 8, 1942, ch. 396, 56 Stat. 343; Aug. 2, 1946, ch. 753, title I, § 102, title II, § 224, 60 Stat. 814, 838.)

AMENDMENTS

1946—Act Aug. 2, 1946, substituted “Committee on Rules and Administration” for “Committee on Rules”.

EFFECTIVE DATE OF 1946 AMENDMENT

Section 142 of act Aug. 2, 1946, provided that section 102 of that act shall take effect on Jan. 2, 1947, and section 245 of that act provided that section 224 thereof shall “take effect on the day on which the Eightieth Congress convenes”. The Eightieth Congress convened on Jan. 3, 1947.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 174b-1 of this title.

§ 174d. Assignment of space in Senate Office Building

On and after June 8, 1942 the assignment of rooms and other space in the Senate Office Building shall be under the direction and control of the Senate Committee on Rules and Administration and shall not be a part of the duties of the Architect of the Capitol.

(June 8, 1942, ch. 396, 56 Stat. 343; Aug. 2, 1946, ch. 753, title I, § 102, title II, § 224, 60 Stat. 814, 838.)

AMENDMENTS

1946—Act Aug. 2, 1946, substituted “Committee on Rules and Administration” for “Committee on Rules”.

EFFECTIVE DATE OF 1946 AMENDMENT

Section 142 of act Aug. 2, 1946, provided that section 102 of that act shall take effect on Jan. 2, 1947, and section 245 of that act provided that section 224 thereof shall “take effect on the day on which the Eightieth Congress convenes”. The Eightieth Congress convened on Jan. 3, 1947.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 174b-1 of this title.

§ 174d-1. Assignment of space for meetings of joint committees, conference committees, etc.

The President pro tempore of the Senate and the Speaker of the House of Representatives shall cause a survey to be made of available space within the Capitol which could be utilized for joint committee meetings, meetings of conference committees, and other meetings, requiring the attendance of both Senators and Members of the House of Representatives; and shall recommend the reassignment of such space to accommodate such meetings.

(Aug. 2, 1946, ch. 753, title II, § 242, 60 Stat. 839.)

EFFECTIVE DATE

Section effective Aug. 2, 1946, see section 245 of act Aug. 2, 1946, set out as a note under section 72a of Title 2, The Congress.

§ 174e. Certification of vouchers by Architect of Capitol

It shall not be a duty of the Architect of the Capitol to certify any pay roll or other voucher

covering any expenditure from any appropriation for the Senate Office Building, or for any other building or activity, unless the obligation involved was incurred by him or under his direction.

(June 8, 1942, ch. 396, 56 Stat. 343.)

§§ 174f to 174j. Omitted

CODIFICATION

Sections 174f to 174j were omitted on authority of the Senate Committee on Rules and Administration resolution adopted July 16, 1947, set out as a note below:

Section 174f, act Sept. 9, 1942, ch. 558, § 1, 56 Stat. 750, related to management of the Senate Restaurants.

Section 174g, act Sept. 9, 1942, ch. 558, § 3, 56 Stat. 751, related to authority of Architect of the Capitol.

Section 174h, act Sept. 9, 1942, ch. 558, § 4, 56 Stat. 751, related to special deposit account of Architect of the Capitol.

Section 174i, act Sept. 9, 1942, ch. 558, § 5, 56 Stat. 751, related to persons authorized to make deposits in special deposit account.

Section 174j, act Sept. 9, 1942, ch. 558, § 6, 56 Stat. 751, related to persons required to furnish surety bonds under the terms of the special deposit account.

SENATE COMMITTEE ON RULES AND ADMINISTRATION RESOLUTION ADOPTED JULY 16, 1947

“Whereas the management of the Senate Restaurants and all matters connected therewith was transferred, under the provisions of Public Law 709, Seventy-seventh Congress [these sections], from the jurisdiction of the Senate Committee on Rules to the jurisdiction of the Architect of the Capitol, subject to the approval of such committee as to matters of general policy; and

“Whereas Public Law 709 further provided that management of such restaurant should revert to the jurisdiction of the Committee on Rules upon adoption by the committee of a resolution ordering such reversion; and

“Whereas the functions, powers, and duties of the Committee on Rules under Public Law 709 has devolved upon the Committee on Rules and Administration pursuant to the provisions of subsection (o)(1)(f) of Rule XXV of the Standing Rules of the Senate and of section 224 of the Legislative Reorganization Act of 1946, as amended [amending sections 168, 170, 174c, and 174d of this title]; and

“Whereas it is the conclusion of the committee that the management of such Restaurants should revert to the jurisdiction of the Committee: Therefore be it

“Resolved by the Committee on Rules and Administration of the Senate, That, pursuant to the authority contained in the first section of Public Law 709, Seventy-seventh Congress [section 174f of this title], the transfer of the management of the Senate Restaurants and all matters connected therewith from the jurisdiction of the Architect of the Capitol to the jurisdiction of the Committee on Rules and Administration is hereby ordered, effective August 1, 1947.

“Resolved further, That the Architect of the Capitol is hereby requested, pursuant to such order, to transfer on August 1, 1947, to this Committee or to such person or corporation as may be authorized by this Committee to operate the Senate Restaurants all books, records, accounts, supplies, equipment, and other assets of the Senate Restaurants.

“Resolved further, That in the interests of effecting an orderly transfer the Comptroller General is requested to audit the accounts of the Senate Restaurants as of the close of business on July 31, 1947.”

See, also, Second Supplemental Appropriation Act, 1948 (act July 31, 1947, ch. 414, § 1, 61 Stat. 696) [amending section 60a of Title 2, The Congress], second paragraph under heading “Senate”.

§ 174j-1. Senate Restaurants; management by Architect of Capitol; approval of matters of general policy; termination

Effective August 1, 1961, the management of the Senate Restaurants and all matters connected therewith, heretofore under the direction of the Senate Committee on Rules and Administration, shall be under the direction of the Architect of the Capitol under such rules and regulations as the Architect may prescribe for the operation and the employment of necessary assistance for the conduct of said restaurants by such business methods as may produce the best results consistent with economical and modern management, subject to the approval of the Senate Committee on Rules and Administration as to matters of general policy: *Provided*, That the management of the Senate Restaurants by the Architect of the Capitol shall cease and the restaurants revert from the jurisdiction of the Architect of the Capitol to the jurisdiction of the Senate Committee on Rules and Administration upon adoption by that committee of a resolution ordering such transfer of jurisdiction at any time hereafter. The provisions of section 193d of this title, except for the provisions relating to solicitation, shall not apply to any activity carried out pursuant to this section, subject to the approval of such activities by the Committee on Rules and Administration.

(Pub. L. 87-82, §1, July 6, 1961, 75 Stat. 199; Pub. L. 106-57, title I, §5, Sept. 29, 1999, 113 Stat. 412.)

AMENDMENTS

1999—Pub. L. 106-57 inserted at end: “The provisions of section 193d of this title, except for the provisions relating to solicitation, shall not apply to any activity carried out pursuant to this section, subject to the approval of such activities by the Committee on Rules and Administration.”

DISTRIBUTION OF UNUSED SENATE CAFETERIAS FOOD BY PRIVATE DISTRIBUTION ORGANIZATION

Pub. L. 100-458, title I, §5, Oct. 1, 1988, 102 Stat. 2161, provided that: “The Committee on Rules and Administration of the Senate may provide for the distribution of unused food from the Senate cafeterias under the jurisdiction of the committee to the needy of the District of Columbia through an appropriate private distribution organization selected by the committee.”

Similar provisions were contained in the following prior appropriation act:

Pub. L. 100-202, §144, Dec. 22, 1987, 101 Stat. 1329-443.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b-1f, 174j-3, 174j-4, 174j-7, 174j-9 of this title; title 5 section 5533.

§ 174j-2. Omitted

CODIFICATION

Section, Pub. L. 87-82, §2, July 6, 1961, 75 Stat. 199, related to transfer of accounts, records, supplies, equipment and assets of Senate Restaurants after close of business July 31, 1961, from Senate Committee on Rules and Administration to Architect of the Capitol.

§ 174j-3. Authorization and direction to effectuate purposes of sections 174j-1 to 174j-7 of this title

The Architect of the Capitol is authorized and directed to carry into effect for the United States Senate the provisions of sections 174j-1 to

174j-7 of this title and to exercise the authorities contained herein, and any resolution of the Senate amendatory hereof or supplementary hereto hereafter adopted. Such authority and direction shall continue until the United States Senate shall by resolution otherwise order, or until the Senate Committee on Rules and Administration shall by resolution order the restaurants to be returned to the committee's jurisdiction.

(Pub. L. 87-82, §3, July 6, 1961, 75 Stat. 199.)

REFERENCES IN TEXT

Herein, referred to in text, means Pub. L. 87-82, July 6, 1961, 75 Stat. 199, as amended, which enacted sections 174j-1 to 174j-7 of this title. For complete classification of this Act to the Code, see Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b-1f, 174j-4, 174j-7, 174j-9 of this title; title 5 section 5533.

§ 174j-4. Special deposit account; establishment; appropriations; approval of payments

There is established with the Treasurer of the United States a special deposit account in the name of the Architect of the Capitol for the United States Senate Restaurants, into which shall be deposited all sums received pursuant to sections 174j-1 to 174j-7 of this title or any amendatory or supplementary resolutions hereafter adopted and from the operations thereunder and from which shall be disbursed the sums necessary in connection with the exercise of the duties required under sections 174j-1 to 174j-7 of this title or any amendatory or supplementary resolutions and the operations thereunder. Any amounts appropriated for fiscal year 1973 and thereafter from the Treasury of the United States, which shall be part of a “Contingent Expenses of the Senate” item for the particular fiscal year involved, shall be paid to the Architect of the Capitol by the Secretary of the Senate at such times and in such sums as the Senate Committee on Rules and Administration may approve. Any such payment shall be deposited by the Architect in full under such special deposit account.

(Pub. L. 87-82, §4, July 6, 1961, 75 Stat. 199; Pub. L. 92-51, July 9, 1971, 85 Stat. 129; Pub. L. 92-342, §101, July 10, 1972, 86 Stat. 435.)

AMENDMENTS

1972—Pub. L. 92-342 substituted provision that amounts appropriated for 1973 and thereafter which shall be part of “Contingent Expenses of the Senate” be paid to the Architect of the Capitol, for provision that amounts appropriated for 1972 and thereafter specifically for Senate Restaurants as “Contingent Expenses of the Senate” be paid to Architect of the Capitol.

1971—Pub. L. 92-51 substituted “amounts appropriated for fiscal year 1972 and thereafter” for Senate Restaurants for “amounts hereafter appropriated” for such Restaurants, provision that amounts appropriated specifically for such Restaurants as a Contingent Expense of the Senate item for fiscal year involved shall be paid to Architect of the Capitol, for prior provision declaring amounts appropriated for such Restaurants shall be a part of such Restaurants as a Contingent Expense of Senate for fiscal year involved and for payment of such part to Architect of the Capitol, and provision for approval of payments by Senate Committee on Rules and Administration, including times for pay-

ments, for prior provision for payments as appropriations shall specify.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b-1f, 174j-3, 174j-7, 174j-9, 174j-10 of this title; title 5 section 5533.

§ 174j-5. Deposits and disbursements under special deposit account

Deposits and disbursements under such special deposit account (1) shall be made by the Architect, or, when directed by him, by such employees of the Architect as he may designate, and (2) shall be subject to audit by the General Accounting Office at such times and in such manner as the Comptroller General may direct: *Provided*, That payments made by or under the direction of the Architect of the Capitol from such special deposit account shall be conclusive upon all officers of the Government.

(Pub. L. 87-82, § 5, July 6, 1961, 75 Stat. 200.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b-1f, 174j-3, 174j-4, 174j-6, 174j-7, 174j-9 of this title; title 5 section 5533.

§ 174j-6. Bond of Architect, Assistant Architect, and other employees

The Architect, Assistant Architect, and any employees of the Architect designated by the Architect under section 174j-5 of this title shall each give bond in the sum of \$5,000 with such surety as the Secretary of the Treasury may approve for the handling of the financial transactions under such special deposit account.

(Pub. L. 87-82, § 6, July 6, 1961, 75 Stat. 200.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b-1f, 174j-3, 174j-4, 174j-7, 174j-9 of this title; title 5 section 5533.

§ 174j-7. Superseding of prior provisions for maintenance and operation of Senate Restaurants

Sections 174j-1 to 174j-7 of this title shall supersede any other Acts or resolutions heretofore approved for the maintenance and operation of the Senate Restaurants: *Provided, however*, That any Acts or resolutions now in effect shall again become effective, should the restaurants at any future time revert to the jurisdiction of the Senate Committee on Rules and Administration.

(Pub. L. 87-82, § 7, July 6, 1961, 75 Stat. 200.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b-1f, 174j-3, 174j-4, 174j-9 of this title; title 5 section 5533.

§ 174j-8. Management personnel and miscellaneous expenses; availability of appropriations; annual and sick leave

On and after July 9, 1971, appropriations for the "Senate Office Buildings" shall be available for employment of management personnel of the Senate restaurant facilities and miscellaneous restaurant expenses (except cost of food and cigar stand sales) and, in fixing the compensation of such personnel, the compensation of four positions hereafter to be designated as Director

of Food Service, Assistant Director of Food Service, Manager (special functions), and Administrative Officer shall be fixed by the Architect of the Capitol without regard to chapter 51 and subchapter III and IV of chapter 53 of title 5, and shall thereafter be adjusted in accordance with section 5306 of title 5. Annual and sick leave balances of such personnel, as of July 9, 1971, shall be credited to the leave accounts of such personnel, subject to the provisions of section 6304 of title 5, upon their transfer to the appropriation for Senate Office Buildings and such personnel shall continue, while employed by the Architect of the Capitol, to earn leave at rates not less than their present accrual rates.

(Pub. L. 92-51, July 9, 1971, 85 Stat. 138; Pub. L. 94-59, title V, July 25, 1975, 89 Stat. 289; Pub. L. 101-509, title V, § 529 [title I, § 101(b)(5)], Nov. 5, 1990, 104 Stat. 1427, 1440.)

AMENDMENTS

1990—Pub. L. 101-509 substituted "5306" for "5307".

1975—Pub. L. 94-59 inserted references to compensation of Director of Food Service, Assistant Director of Food Service, Manager (special functions), and Administrative Officer.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, § 305] of Pub. L. 101-509, set out as a note under section 5301 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 174j-9 of this title.

§ 174j-9. Loans for Senate Restaurants

(a) Borrowing authority

Subject to the approval of the Senate Committee on Rules and Administration, the Architect of the Capitol shall have authority to borrow (and be accountable for), from time to time, from the appropriation account, within the contingent fund of the Senate, for "Miscellaneous Items", such amount as he may determine necessary to carry out the provisions of the joint resolution entitled "Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes", approved July 6, 1961, as amended (40 U.S.C. 174j-1 through 174j-8),¹ and resolutions of the Senate amendatory thereof or supplementary thereto.

(b) Amount and period of loan; voucher

Any such loan authorized pursuant to subsection (a) of this section shall be for such amount and for such period as the Senate Committee on Rules and Administration shall prescribe, and shall be made by the Secretary of the Senate to the Architect of the Capitol upon a voucher approved by the Chairman of the Senate Committee on Rules and Administration.

(c) Deposit, credit, and future availability of proceeds from repayment

All proceeds from the repayment of any such loan shall be deposited in the appropriation ac-

¹ See References in Text note below.

count, within the contingent fund of the Senate, for “Miscellaneous Items”, shall be credited to the fiscal year during which such loan was made, and shall thereafter be available for the same purposes for which the amount loaned was initially appropriated.

(Pub. L. 98-396, title I, Aug. 22, 1984, 98 Stat. 1395.)

REFERENCES IN TEXT

“Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes”, approved July 6, 1961, referred to in subsec. (a), is Pub. L. 87-82, July 6, 1961, 75 Stat. 199, which enacted sections 174j-1 to 174j-7 of this title. Section 174j-2 of this title was omitted from the Code. For complete classification of this Act to the Code, see Tables.

§ 174j-10. Transfer of appropriations for management personnel and miscellaneous restaurant expenses to special deposit account

Appropriations under this heading for management personnel and miscellaneous restaurant expenses on and after October 7, 1997, shall be transferred at the beginning of each fiscal year to the special deposit account in the United States Treasury established under section 174j-4 of this title, and effective October 1, 1997, all management personnel of the Senate Restaurant facilities shall be paid from the special deposit account. Management personnel transferred hereunder shall be paid at the same rates of pay applicable immediately prior to the date of transfer, and annual and sick leave balances shall be credited to leave accounts of such personnel in the Senate Restaurants.

(Pub. L. 105-55, title I, Oct. 7, 1997, 111 Stat. 1189.)

REFERENCES IN TEXT

Appropriations under this heading, referred to in text, probably means appropriations under the headings “ARCHITECT OF THE CAPITOL”, “CAPITAL BUILDINGS AND GROUNDS”, and “SENATE OFFICE BUILDINGS” in the annual Legislative Branch Appropriations Act.

§ 174k. House of Representatives restaurant, cafeteria, and food services

(a) Management and duties

Notwithstanding any other authority with respect to the jurisdiction and control over the management of the House Restaurant and the cafeteria and other food service facilities of the House of Representatives, the jurisdiction over such restaurant and facilities and authority over the direction and supervision of the immediate management and operation thereof shall be vested in the Committee on House Oversight; and the immediate management and operation of such restaurant and facilities may be vested in such official or other authority, acting as the agent of the committee, as the committee may designate; and the official or authority so designated shall perform the duties vested in the Architect of the Capitol by section 208¹ of the First Supplemental Civil Functions Appropria-

tion Act, 1941 (54 Stat. 1056; Public. No. 812, Seventy-sixth Congress).

(b) Transfer of accounts, records, supplies, equipment, and assets

The Architect of the Capitol is hereby authorized and directed to transfer, as the Committee on House Oversight directs, all accounts, records, supplies, equipment, and assets of the House Restaurant and the cafeteria and other food service facilities of the House which are in the possession or under the control of the Architect of the Capitol in order that all such items may be available for the maintenance and operation of the House Restaurant under the authority of, and as directed by, the Committee on House Oversight.

(c) Special deposit account

All authority, responsibility, and functions vested in or imposed upon the Architect of the Capitol in connection with the special deposit account established by section 208¹ of the First Supplemental Civil Functions Appropriation Act, 1941, shall be vested in or imposed upon such other official, authority, or authorities as the Committee on House Oversight may designate.

(d) Effective date

The provisions of this section shall become effective on the first day of the first calendar month beginning after the date of adoption of this resolution, until otherwise provided by law.

(Pub. L. 92-51, July 9, 1971, 85 Stat. 133; Pub. L. 104-186, title II, §221(3)(A), Aug. 20, 1996, 110 Stat. 1748.)

REFERENCES IN TEXT

Section 208 of the First Supplemental Civil Functions Appropriation Act, 1941, referred to in subsecs. (a) and (c), is section 208 of act Oct. 9, 1940, ch. 780, title II, 54 Stat. 1056, which was formerly classified to this section, and was repealed by Pub. L. 104-186, title II, §221(3)(B), Aug. 20, 1996, 110 Stat. 1748. See Prior Provisions note below.

The first day of the first calendar month beginning after the date of adoption of this resolution, referred to in subsec. (d), is April 1, 1971.

CODIFICATION

Section is based on section 2 of House Resolution No. 317, Ninety-second Congress, Mar. 25, 1971, which was enacted into permanent law by Pub. L. 92-51.

PRIOR PROVISIONS

A prior section 174k, act Oct. 9, 1940, ch. 780, title II, §208, 54 Stat. 1056, which provided that the House Restaurant was to be managed under the direction of the Architect of the Capitol, was classified to this section and was repealed by Pub. L. 104-186, title II, §221(3)(B), Aug. 20, 1996, 110 Stat. 1748.

AMENDMENTS

1996—Subsecs. (a) to (c). Pub. L. 104-186 substituted “House Oversight” for “House Administration” wherever appearing.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

¹ See References in Text note below.

SPECIAL DEPOSIT ACCOUNT FROM VENDING OPERATIONS

Pub. L. 104-53, title I, §107A, Nov. 19, 1995, 109 Stat. 522, as amended by Pub. L. 104-197, title I, §101(a), Sept. 16, 1996, 110 Stat. 2400, provided that:

“(a) Subject to the direction of the Committee on House Oversight of the House of Representatives, the amounts deposited in the account specified in subsection (b) from vending operations of the House of Representatives Restaurant System shall be available to pay the cost of goods sold for such operations.

“(b) The account referred to in subsection (a) is the special deposit account established for the House of Representatives Restaurant by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (40 U.S.C. 174k note).”

[Pub. L. 104-197, title I, §101(b), Sept. 16, 1996, 110 Stat. 2401, provided that: “The amendments made by subsection (a) [amending section 107A of Pub. L. 104-53, set out above] shall apply with respect to fiscal years beginning after September 30, 1996.”]

TRANSFER OF FOOD SERVICE OPERATIONS; ELECTION BY CERTAIN AFFECTED EMPLOYEES; DISABILITY AND RETIREMENT BENEFITS; PROMULGATION OF REGULATIONS

Pub. L. 99-500, §111, Oct. 18, 1986, 100 Stat. 1783-348, and Pub. L. 99-591, §111, Oct. 30, 1986, 100 Stat. 3341-348, provided that:

“(a) Any individual who—

“(1) on the day before the date on which food services operations for the House of Representatives are transferred by contract to a corporation or other person—

“(A) is a congressional employee (as defined in section 2107 of title 5, United States Code), other than an employee of the Architect of the Capitol, engaged in providing such food services under the administrative control of the Architect of the Capitol; and

“(B) is subject to subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title;

“(2) as a result of such contract, ceases to be an employee described in paragraph (1); and

“(3) becomes employed to provide such food services under contract, including a successor contract; may, for purposes of the provisions of law specified in subsection (b), elect to be treated, for so long as such individual continues to be employed (without a break in service) as described in paragraph (3), as if such individual had not ceased to be an employee described in paragraph (1). Such election shall be made on or before the day referred to in paragraph (1) and shall be available only to an individual whose transition from the employment described in paragraph (1) to the employment described in paragraph (3) takes place without a break in service.

“(b) The provisions of law referred to in subsection (a) are—

“(1) subchapter III of chapter 83 of title 5, United States Code (including section 8339(m) of such title (which shall be applied, when an employee retires on an immediate annuity or dies, as if the employment at the time of retirement or death were under a formal leave system), with respect to unused sick leave to the credit of an employee on the day referred to in subsection (a)(1));

“(2) chapter 84 of title 5, United States Code; and

“(3) title III of the Federal Employees' Retirement System Act of 1986 [sections 301 to 312 of Pub. L. 99-335, see Tables for classification].

“(c)(1) At the earliest practicable opportunity, the Director of the Office of Personnel Management shall, in consultation with the Architect of the Capitol, prescribe regulations to carry out this section with respect to matters within the jurisdiction of the Office, including regulations under which—

“(A) an individual who makes an election under subsection (a) shall pay into the Civil Service Retirement and Disability Fund any employee contribu-

tions which would be required if such individual were a Congressional employee; and

“(B) the employer furnishing food services under a contract referred to in subsection (a) shall pay into the Civil Service Retirement and Disability Fund amounts equal to any agency contributions which would be required if the individual were a Congressional employee.

“(2) At the earliest practicable opportunity, the Executive Director of the Federal Retirement Thrift Investment Board shall, in consultation with the Architect of the Capitol, prescribe regulations to carry out this section with respect to matters within the jurisdiction of the Board.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 166b-1f of this title; title 5 section 5533.

§ 175. House Office Building; control, supervision, and care

The House of Representatives Office Building, which shall hereafter be designated as the House Office Building and the employment of all service, other than officers and privates of the Capitol police, that may be appropriated for by Congress, necessary for its protection, care, and occupancy, shall be under the control and supervision of the Architect of the Capitol, subject to the approval and direction of a commission consisting of the Speaker of the House of Representatives and two Representatives in Congress, to be appointed by the Speaker. Vacancies occurring by resignation, termination of service as Representatives in Congress, or otherwise in the membership of said commission shall be filled by the Speaker, and any two members of said commission shall constitute a quorum to do business. The Architect of the Capitol shall submit annually to Congress estimates in detail for all services, other than officers and privates of the Capitol police, and for all other expenses in connection with said office building and necessary for its protection, care, and occupancy; and said commission herein referred to shall from time to time prescribe rules and regulations to govern said architect in making all such employments, together with rules and regulations governing the use and occupancy of all rooms and space in said building.

(Mar. 4, 1907, ch. 2918, 34 Stat. 1365; May 28, 1908, No. 30, 35 Stat. 578; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

CODIFICATION

Section is based on act Mar. 4, 1907, popularly known as the “Sundry Civil Appropriation Act, fiscal year 1908” appropriating for the maintenance of such Building.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

ACQUISITION OF SITE

Act Mar. 3, 1903, ch. 1007, 32 Stat. 1113, authorized acquisition of a site for and the construction of the House Office Building, and appointment of a Commission to supervise its construction.

Joint Resolution May 28, 1908, provided that it should be designated the House Office Building.

HOUSE PUBLIC ADDRESS SOUND SYSTEM ACTIVITIES;
TRANSFER OF EMPLOYEES AND FUNDING

Pub. L. 104-197, title III, §307, Sept. 16, 1996, 110 Stat. 2413, provided that:

“(a) Upon approval of the Committee on Appropriations of the House of Representatives, and in accordance with conditions determined by the Committee on House Oversight [now Committee on House Administration], positions in connection with House public address sound system activities and related funding shall be transferred from the appropriation for the Architect of the Capitol for Capitol buildings and grounds under the heading ‘CAPITOL BUILDINGS’ to the appropriation for salaries and expenses of the House of Representatives for the Office of the Clerk under the heading ‘SALARIES, OFFICERS AND EMPLOYEES’.

“(b) For purposes of section 8339(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred under subsection (a) shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a) through (e) and (o) of such section.

“(c) In the case of days of annual leave to the credit of any such employee as of the date such employee is transferred under subsection (a), the Architect of the Capitol is authorized to make a lump sum payment to each such employee for that annual leave. No such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation.”

501 FIRST STREET SE., DISTRICT OF COLUMBIA;
DISPOSAL OF REAL PROPERTY

Pub. L. 104-99, title I, §121, Jan. 26, 1996, 110 Stat. 30, as amended by Pub. L. 105-275, title I, §110, Oct. 21, 1998, 112 Stat. 2440, provided that:

“(a) DISPOSAL OF REAL PROPERTY.—

“(1) IN GENERAL.—The Architect of the Capitol shall dispose of by sale at fair market value all right, title, and interest of the United States in and to the parcel of real property described in paragraph (9), including all improvements to such real property. Such disposal shall be made by quitclaim deed.

“(2) HOUSE OFFICE BUILDING COMMISSION.—The Architect of the Capitol shall carry out this section under the direction of the House Office Building Commission.

“(3) PROCEDURES.—Notwithstanding any other provision of law, the disposal under paragraph (1) shall be made in accordance with such procedures as the Architect of the Capitol determines appropriate.

“(4) SENSE OF CONGRESS.—It is the sense of Congress that the child care center of the House of Representatives should remain in operation during the implementation of this section.

“(5) TERMS AND CONDITIONS.—The deed of conveyance for the property to be disposed of under paragraph (1) shall contain such terms and conditions as the Architect of the Capitol determines are necessary to protect the interests of the United States.

“(6) DEPOSIT OF PROCEEDS.—All proceeds from the disposal under paragraph (1) shall be deposited in the account established by subsection (b).

“(7) ADVERTISING AND MARKETING.—The Architect of the Capitol shall begin advertising and marketing the property to be disposed of under paragraph (1) not later than 30 days after the date of the enactment of this Act [Jan. 26, 1996].

“(8) LOCAL ZONING AND OCCUPANCY REQUIREMENTS.—Until such date as the purchaser of the property to be disposed of under paragraph (1) takes full occupancy of such property, such property and the tenants of such property shall be deemed to be in compliance with all applicable zoning and occupancy requirements of the District of Columbia.

“(9) PROPERTY DESCRIPTION.—The parcel of real property referred to in paragraph (1) is the approximately 31,725 square feet of land located at 501 First

Street, SE., on square 736 S, Lot 801 (formerly part of Reservation 17) in the District of Columbia. Such parcel is bounded by E Street, SE., to the north, First Street, SE., to the east, New Jersey Avenue, SE., to the west, and Garfield Park to the south.

“(b) SEPARATE ACCOUNT IN THE TREASURY.—

“(1) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account which shall consist of amounts deposited into the account by the Architect of the Capitol under subsection (a).

“(2) AVAILABILITY OF FUNDS.—Funds in the account established by paragraph (1) shall be available, in such amounts as are specified in appropriations Acts, to the Architect of the Capitol for—

“(A) payment of expenses associated with relocating the tenants of the property to be disposed of under subsection (a)(1);

“(B) payment of expenses associated with renovating facilities under the jurisdiction of the Architect for the purpose of accommodating such tenants;

“(C) reimbursement of expenses incurred for advertising and marketing activities related to the disposal under subsection (a)(1) in a total amount of not to exceed \$75,000; and

“(D) reimbursement of expenses incurred by the Chief Administrative Officer of the House of Representatives to cover the costs of furnishings and furniture to accommodate the needs of the House of Representatives Child Care Center.

Funds made available under this paragraph shall not be subject to any fiscal year limitation.

“(3) REPORTING OF TRANSACTIONS.—Receipts, obligations, and expenditures of funds in the account established by paragraph (1) shall be reported in annual estimates submitted to Congress by the Architect of the Capitol for the operation and maintenance of the Capitol Buildings and Grounds.

“(4) TERMINATION OF ACCOUNT.—Not later than 2 years after the date of settlement on the property to be disposed of under subsection (a)(1), the Architect of the Capitol shall terminate the account established by paragraph (1) and all amounts remaining in the account shall be deposited into the general fund of the Treasury of the United States and credited as miscellaneous receipts.

“(c) AUTHORITY TO FURNISH STEAM AND CHILLED WATER.—

“(1) IN GENERAL.—The Architect of the Capitol is authorized to furnish steam and chilled water from the Capitol Power Plant to the owner of the property to be disposed of under subsection (a)(1) if the owner agrees to pay for such steam and chilled water at market rates, as determined by the Architect of the Capitol.

“(2) AUTHORITY LIMITED TO EXISTING FACILITIES.—The Architect of the Capitol may furnish steam and chilled water under paragraph (1) only with respect to facilities which, on the date of the enactment of this Act [Jan. 26, 1996], are located on the property to be disposed of under subsection (a)(1).

“(3) PROCEEDS.—All proceeds from the sale of steam and chilled water under paragraph (1) shall be deposited into the general fund of the Treasury of the United States and credited as miscellaneous receipts.”

[Pub. L. 104-134, title II, §21103, Apr. 26, 1996, 110 Stat. 1321-335, provided that: “Notwithstanding section 106 of Public Law 104-99 [110 Stat. 27], sections 118 [110 Stat. 30], 121 [set out as a note above], and 129 [amending section 1611 of Title 2, The Congress, and enacting provisions set out as a note under section 1611 of Title 2] of Public Law 104-99 shall remain in effect as if enacted as part of this Act.”]

Pub. L. 98-367, title I, July 17, 1984, 98 Stat. 483, provided in part: “That notwithstanding any other provision of law, the House Office Building Commission is authorized to use, to such extent as it may deem necessary, for the purposes of providing office and other

accommodations for the House of Representatives, the building located at 501 First Street, S.E., on a portion of Reservation 17 in the District of Columbia when such building is acquired by the Architect of the Capitol at the direction of the House Office Building Commission under authority of the Additional House Office Building Act of 1955, and to incur any expenditures under this appropriation required for alterations, maintenance, and occupancy thereof: *Provided further*, That any space in such building used for office and other accommodations for the House of Representatives shall be deemed to be a part of the 'House Office Buildings' and, as such, shall be subject to the laws, rules, and regulations applicable to those buildings."

HOUSE PARKING ACTIVITIES; TRANSFER OF EMPLOYEES AND FUNDING

Pub. L. 104-53, title III, §306, Nov. 19, 1995, 109 Stat. 536, provided that:

"(a) Upon approval of the Committee on Appropriations of the House of Representatives, and in accordance with conditions determined by the Committee on House Oversight [now Committee on House Administration], positions in connection with House parking activities and related funding shall be transferred from the appropriation 'Architect of the Capitol, Capitol buildings and grounds, House office buildings' to the appropriation 'House of Representatives, salaries, officers and employees, Office of the Sergeant at Arms': *Provided*, That the position of Superintendent of Garages shall be subject to authorization in annual appropriations Acts.

"(b) For purposes of section 8339(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred under subsection (a) shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a) through (e) and (o) of such section.

"(c) In the case of days of annual leave to the credit of any such employee as of the date such employee is transferred under subsection (a) the Architect of the Capitol is authorized to make a lump sum payment to each such employee for that annual leave. No such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation."

DESIGNATION OF HOUSE OFFICE BUILDINGS

House Resolution No. 402, One Hundred First Congress, Sept. 10, 1990, provided that:

"SECTION 1. DESIGNATIONS.

"(a) THOMAS P. O'NEILL, JR. HOUSE OF REPRESENTATIVES OFFICE BUILDING.—The House of Representatives office building located at C Street and New Jersey Avenue, Southeast, in the District of Columbia, and known as House of Representatives Office Building Annex No. 1, shall be known and designated as the 'Thomas P. O'Neill, Jr. House of Representatives Office Building'.

"(b) GERALD R. FORD HOUSE OF REPRESENTATIVES OFFICE BUILDING.—The House of Representatives office building located at 3d and D Streets, Southwest, in the District of Columbia, and known as House of Representatives Office Building Annex No. 2, shall be known and designated as the 'Gerald R. Ford House of Representatives Office Building'.

"SEC. 2. REFERENCES.

"Any reference in a law, map, regulation, document, paper, or other record of the United States to a building referred to in section 1 shall be deemed to be a reference to the building as designated in that section.

"SEC. 3. STATUES.

"The Speaker of the House of Representatives may purchase or accept as a gift to the House of Representatives, for permanent display in the appropriate building designated in section 1, a suitable statue or bust of the individual for whom the building is named. Such purchase or acceptance shall be carried out—

"(1) in the case of the building referred to in section 1(a), in consultation with the majority leader of the House of Representatives; and

"(2) in the case of the building referred to in section 1(b), in consultation with the minority leader of the House of Representatives."

ADDITIONAL HOUSE OFFICE BUILDING

Pub. L. 94-6, ch. I, Feb. 28, 1975, 89 Stat. 12, provided in part that: "Notwithstanding any other provision of law, the House Office Building Commission is authorized (1) to use, to such extent as it may deem necessary, for the purposes of providing office and other accommodations for the House of Representatives, the building located on Square 581 in the District of Columbia when such Square, including the improvements thereon, is acquired by the Architect of the Capitol at the direction of the House Office Building Commission under authority of the Additional House Office Building Act of 1955 [act Apr. 22, 1955, ch. 26, Ch. XIIA, 69 Stat. 41, see note below] and to incur any expenditures under this appropriation [\$15,000,000 for fiscal year ending June 30, 1975, to remain available until expended] required for alterations, maintenance, and occupancy thereof, and (2) prior to occupancy of the entire building by the House of Representatives, to permit the temporary occupancy by other governmental activities of any part of such building not so occupied, under such terms and conditions as such Commission may authorize: *Provided further*, That any space in such building used for office and other accommodations for the House of Representatives shall be deemed to be a part of the 'House Office Buildings' and, as such, shall be subject to the laws, rules, and regulations applicable to those buildings."

Act Apr. 22, 1955, ch. 26, Ch. XIIA, 69 Stat. 41, authorized the construction of an additional fireproof office building for use of the House of Representatives, on a site approved by the House Office Building Commission, in accordance with plans prepared by the Architect of the Capitol and approved by the Commission, authorized the Architect of the Capitol to acquire certain real property in the District of Columbia, subject to the approval of the Commission, for construction of the office building or for additions to the United States Capitol Grounds, designated the necessary procedure for condemnation proceedings conducted pursuant to such real property acquisition, authorized the demolition of certain buildings by the Architect, and appropriated \$5,000,000 and authorized such additional appropriations as the Commission deemed necessary for the construction project.

Act July 11, 1947, ch. 227, 61 Stat. 312, authorized the Architect of the Capitol, subject to the direction of the House Office Building Commission, to prepare preliminary plans and cost estimates for construction of extensions to the House Office Buildings, the remodeling of the Old House Office Building, and the renewal of the plumbing in the Old House Office Building, and authorized appropriations of \$25,000 for such purposes.

USE OF CONGRESSIONAL HOTEL AS HOUSE OFFICE BUILDING; LEASE OF UNUSED SPACE

Pub. L. 92-313, §8, June 16, 1972, 86 Stat. 222, provided that:

"(a) Notwithstanding any other provision of law, the House Office Building Commission is authorized (1) to use, to such extent as it may deem necessary, for the purpose of providing office and other accommodations for the House of Representatives, the building, known as the Congressional Hotel, acquired by the Government in 1957 as part of Lot 20 in Square 692 in the District of Columbia under authority of the Additional House Office Building Act of 1955 [set out as a note above] and (2) to direct the Architect of the Capitol to lease, at fair market value, for such other use and under such terms and conditions and to such parties as such Commission may authorize, any space in such building not required for the aforesaid purpose.

“(b) Any space in such building used for office and other accommodations for the House of Representatives shall be deemed to be a part of the ‘House Office Buildings’ and, as such, shall be subject to the laws, rules, and regulations applicable to those buildings.”

For effective date of section 8 of Pub. L. 92-313, see section 11 of Pub. L. 92-313, set out as an Effective Date of 1972 Amendment note under section 603 of this title.

SOLAR ENERGY FOR CERTAIN HOUSE OFFICE BUILDINGS

Pub. L. 95-577, Nov. 2, 1978, 92 Stat. 2470, directed Architect of the Capitol, under direction of House Office Building Commission, to install solar collectors for furnishing a portion of the energy needs of Rayburn House Office Building and of House Office Building Annex Numbered 2 (Gerald R. Ford House of Representatives Office Building).

ADDITIONAL PARKING SPACE FOR HOUSE EMPLOYEES

House Resolution No. 208, Ninety-fourth Congress, Feb. 24, 1975, as enacted into permanent law by Pub. L. 94-59, title II, §201, July 25, 1975, 89 Stat. 282, and amended by Pub. L. 104-186, title II, §221(4)(B), Aug. 20, 1996, 110 Stat. 1749, provided: “That the chairman, Committee on House Oversight [now Committee on House Administration] of the House of Representatives is authorized:

“(1) to lease or to otherwise provide additional indoor and outdoor parking facilities for employees of the House of Representatives in an area or areas in the District of Columbia outside but adjacent to the limits of the United States Capitol Grounds;

“(2) to regulate and assign such additional parking facilities;

“(3) to utilize the United States Capitol Police with respect to such parking areas, and transit routes; and

“(4) to utilize the services of the Architect of the Capitol to prepare bids, leases, or otherwise assist in obtaining such additional parking facilities.

Until otherwise provided by law, there shall be paid out of the applicable accounts of the House of Representatives such sums as may be necessary to carry out this authorization.”

Pub. L. 93-305, title I, ch. VIII, §801, June 8, 1974, 88 Stat. 206, authorized a detailed study of the House garages located in the Rayburn and Cannon House Office Buildings and in Squares 637 and 691 to determine the feasibility of providing additional parking.

INCLUSION OF ADDITIONAL AREAS AND BUILDINGS

For inclusion of additional areas and buildings as part of the United States Capitol grounds, see order of the House Office Building Commission affecting the Capitol grounds and buildings, set out as a note under section 193a of this title.

COMPENSATION OF SUPERINTENDENT OF GARAGES OF HOUSE OFFICE BUILDINGS

Pub. L. 100-458, title I, Oct. 1, 1988, 102 Stat. 2170, as amended by Pub. L. 102-90, title I, §105, Aug. 14, 1991, 105 Stat. 460; Pub. L. 104-186, title II, §221(4)(A), Aug. 20, 1996, 110 Stat. 1748, provided: “That upon enactment of this Act [Oct. 1, 1988], the pay for the position of Superintendent of Garages shall be equivalent to the pay payable for positions at step 1 of level 12 of the House Employees Schedule, subject to the further increases authorized under section 5306(a)(1)(B) of title 5, United States Code, relating to the implementation of salary comparability policy, and subject to any increase which may be allowed by the Committee on House Oversight [now Committee on House Administration] based on performance exceeding an acceptable level of competence over a 52-week period (except that no such performance-based increase shall affect the waiting period or effective date of any longevity step-increase or increase under such section 5306(a)(1)(B)).”

Pub. L. 93-145, Nov. 1, 1973, 87 Stat. 542, provided that on and after April 1, 1973, the compensation of the Superintendent of Garages was to be at the gross annual

rate of \$25,000 subject to the further increases authorized under 5 U.S.C. 5307(a)(1)(B).

Pub. L. 90-367, §4, June 29, 1968, 82 Stat. 278, provided that the per annum gross rate of compensation of the position of Superintendent of Garages was to be \$12,540 and that such position was to be subject to the salary comparability provisions in section 212 of the Federal Salary Act of 1967, set out as a note under section 5304 of Title 5, Government Organization and Employees.

COMPENSATION OF PERSONNEL ASSIGNED TO HOUSE GARAGES IN CONNECTION WITH PARKING ACTIVITIES

Pub. L. 93-245, ch. VI, Jan. 3, 1974, 87 Stat. 1079, provided that: “Effective on the first day of the first applicable pay period which begins on or after the date of enactment of this Act [Jan. 3, 1974], the compensation of personnel assigned to the House garages in connection with parking activities and paid from the appropriation ‘House Office Building’ under the Architect of the Capitol, shall be fixed by the Architect of the Capitol without regard to chapter 51 and subchapters III and IV of chapter 53 of title 5, United States Code, and shall thereafter be adjusted in accordance with 5 U.S.C. 5307.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 183, 185 of this title.

§ 175a. Acquisition of buildings and facilities for use by House of Representatives in emergency situation

(a) Acquisition of buildings and facilities

Notwithstanding any other provision of law, in order to respond to an emergency situation, the Chief Administrative Officer of the House of Representatives may acquire buildings and facilities for the use of the House of Representatives by lease, purchase, or such other arrangement as the Chief Administrative Officer considers appropriate (including a memorandum of understanding with the head of an executive agency, as defined in section 105 of title 5, in the case of a building or facility under the control of such Agency), subject to the approval of the House Office Building Commission.

(b) Agreements

Notwithstanding any other provision of law, for purposes of carrying out subsection (a) of this section, the Chief Administrative Officer may carry out such activities and enter into such agreements related to the use of any building or facility acquired pursuant to such subsection as the Chief Administrative Officer considers appropriate, including—

(1) agreements with the United States Capitol Police or any other entity relating to the policing of such building or facility; and

(2) agreements with the Architect of the Capitol or any other entity relating to the care and maintenance of such building or facility.

(c) Authority of Capitol Police and Architect

(1) Architect of the Capitol

Notwithstanding any other provision of law, the Architect of the Capitol may take any action necessary to carry out an agreement entered into with the Chief Administrative Officer pursuant to subsection (b) of this section.

(2) Omitted

(d) Transfer of certain funds

Subject to the approval of the Committee on Appropriations of the House of Representatives,

the Architect of the Capitol may transfer to the Chief Administrative Officer amounts made available to the Architect for necessary expenses for the maintenance, care and operation of the House office buildings during a fiscal year in order to cover any portion of the costs incurred by the Chief Administrative Officer during the year in acquiring a building or facility pursuant to subsection (a) of this section.

(e) Effective date

This section and the amendments made by this section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

(Pub. L. 107-117, div. B, § 903, Jan. 10, 2002, 115 Stat. 2317.)

REFERENCES IN TEXT

For the amendments made by this section, referred to in subsec. (e), see Codification note below.

CODIFICATION

Section is comprised of section 903 of Pub. L. 107-117. Subsec. (c)(2) of section 903 of Pub. L. 107-117 amended section 212a of this title.

§ 176. Speaker as member of House Office Building commission

The Speaker shall continue a member of the commission in control of said building until his successor as Speaker is elected or his term as a Representative in Congress shall have expired.

(Mar. 4, 1911, ch. 240, 36 Stat. 1306.)

CODIFICATION

Section is based on act Mar. 4, 1911, popularly known as the "Deficiency Appropriation Act, fiscal year 1911".

§ 177. Assignment of rooms in House Office Building

The assignment of rooms in the House Office Building, made prior to May 28, 1908, by resolution or order of the House of Representatives, shall continue in force until modified or changed in accordance with the provisions of sections 177 to 184 of this title, and the room so assigned to any Representative shall continue to be held by such Representative as his individual office room so long as he shall remain a Member or Member-elect of the House of Representatives, or until he shall relinquish the same, subject, however, to the provisions of said sections, and no Representative shall allow his office room to be used for any other purpose.

(May 28, 1908, No. 30, 35 Stat. 578.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 182, 183 of this title.

§ 178. Vacant rooms; assignment to Representatives

Any Member or Member-elect of the House of Representatives may file with the Architect of the Capitol a request in writing that any individual office room be assigned to him whenever it shall become vacant. If only one such request has been made for any room which shall at any time have become vacant, the room shall be assigned as requested. If two or more requests are

made for the same vacant room, preference shall be given to the Representative making the request who has been longest in continuous service as a Member and Member-elect of the House of Representatives. If two or more Representatives with equal length of continuous service, or two or more Representatives-elect make request for the same room, preference shall be given to the one first preferring his request.

(May 28, 1908, No. 30, 35 Stat. 578; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 177, 182, 183 of this title.

§ 179. Vacant rooms; withdrawal by Representatives of request for assignment; relinquishment of rooms previously assigned

A Representative or Representative-elect making request for the assignment of a vacant room may withdraw the same at any time and no one shall have pending at the same time more than one such request. The assignment of a new room to a Representative, upon his request, or the appointment of any Representative having an individual office room as chairman of a committee having a committee room, shall act as a relinquishment by him of the room previously assigned to him.

(May 28, 1908, No. 30, 35 Stat. 578.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 177, 182, 183 of this title.

§ 180. Exchange of rooms

Representatives having rooms assigned to them in the foregoing manner may exchange rooms one with another, but such exchange shall be valid only so long as both Members making the exchange shall remain continuously Members or Members-elect of the House of Representatives.

(May 28, 1908, No. 30, 35 Stat. 578.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 177, 182, 183 of this title.

§ 181. Record of assignment of rooms, etc.

The Architect of Capitol shall keep a record of the assignment of rooms made, exchanges which may be made, requests for vacant rooms which may be filed, and the assignment thereof, which record shall be open for the inspection of Representatives or Representatives-elect of the House.

(May 28, 1908, No. 30, 35 Stat. 579; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codifica-

tion and Prior Provisions notes set out under section 161 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 177, 182, 183 of this title.

§ 182. Assignment of rooms to Commissioner from Puerto Rico

In the matter of the assignment of rooms under sections 177 to 184 of this title, Delegates in Congress and the Commissioner from Puerto Rico shall be treated the same as Representatives.

(May 28, 1908, No. 30, 35 Stat. 579; May 17, 1932, ch. 190, 47 Stat. 158; Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.)

CODIFICATION

Words “and the Philippine Islands” after “Puerto Rico” were omitted pursuant to 1946 Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, which granted independence to the Philippine Islands on July 4, 1946, under the authority of act Mar. 24, 1934, ch. 84, §10, 48 Stat. 463, as amended, which is classified to section 1394 of Title 22, Foreign Relations and Intercourse.

CHANGE OF NAME

“Puerto Rico” substituted in text for “Porto Rico” pursuant to act May 17, 1932, which is classified to section 731a of Title 48, Territories and Insular Possessions.

COMMISSIONER FROM PUERTO RICO AS RESIDENT
COMMISSIONER

Section 2106 of Title 5, Government Organization and Employees, provides that the term “Members of Congress” shall include the “Resident Commissioner from Puerto Rico.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 177, 183 of this title.

§ 183. Assignment, etc., of rooms; control of by House

The assignment and reassignment of the rooms and other space in the House Office Building shall be subject to the control of the House of Representatives by rule, resolution, order, or otherwise. Nothing in sections 177 to 184 of this title shall be construed to affect or repeal the provisions of section 175 of this title, placing said House Office Building under the control of the Architect of the Capitol, subject to the approval and direction of the commission provided therein.

(May 28, 1908, No. 30, 35 Stat. 579; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 177, 182 of this title.

§ 184. Assignment of unoccupied space

Unoccupied space in said building shall be assigned by the Architect of the Capitol under the

direction of the commission and subject to the control of the House of Representatives.

(May 28, 1908, No. 30, 35 Stat. 579; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 177, 182, 183 of this title.

§ 184a. John W. McCormack Residential Page School

(a) Construction authorization for dormitory and classroom facilities complex

There is hereby authorized to be constructed, on a site jointly approved by the Senate Office Building Commission and the House Office Building Commission, in accordance with plans which shall be prepared by or under the direction of the Architect of the Capitol and which shall be submitted to and jointly approved by the Senate Office Building Commission and the House Office Building Commission, a fireproof building containing dormitory and classroom facilities, including necessary furnishings and equipment, for pages of the Senate, the House of Representatives, and the Supreme Court of the United States.

(b) Acquisition of property in District of Columbia

The Architect of the Capitol, under the joint direction and supervision of the Senate Office Building Commission and the House Office Building Commission, is authorized to acquire on behalf of the United States, by purchase, condemnation, transfer, or otherwise, such publicly or privately owned real property in the District of Columbia (including all alleys, and parts of alleys, and streets within the curblines surrounding such real property) located in the vicinity of the United States Capitol Grounds, as may be approved jointly by the Senate Office Building Commission and the House Office Building Commission, for the purpose of constructing on such real property, in accordance with this section, a suitable dormitory and classroom facilities complex for pages of the Senate, the House of Representatives, and the Supreme Court of the United States.

(c) Condemnation proceedings

Any proceeding for condemnation instituted under subsection (b) of this section shall be conducted in accordance with subchapter IV of chapter 13 of title 16 of the District of Columbia Code.

(d) Transfer of United States owned property

Notwithstanding any other provision of law, any real property owned by the United States, and any alleys, or parts of alleys and streets, contained within the curblines surrounding the real property acquired on behalf of the United States under this section shall be transferred, upon the request of the Architect of the Capitol made with the joint approval of the Senate Of-

Office Building Commission and the House Office Building Commission, to the jurisdiction and control of the Architect of the Capitol.

(e) Alley and street closures by Mayor of the District of Columbia

Notwithstanding any other provision of law, any alleys, or parts of alleys and streets, contained within the curblines surrounding the real property acquired on behalf of the United States under this section shall be closed and vacated by the Mayor of the District of Columbia in accordance with any request therefor made by the Architect of the Capitol with the joint approval of the Senate Office Building Commission and the House Office Building Commission.

(f) United States Capitol Grounds provisions applicable

Upon the acquisition on behalf of the United States of all real property under this section, such property shall be a part of the United States Capitol Grounds and shall be subject to the provisions of sections 193a to 193m, 207a, 212a, 212a-2, 212a-3, and 212b of this title.

(g) Designation; employment of services under supervision and control of Architect of Capitol; joint approval and direction of Speaker and President pro tempore; annual estimates to Congress; regulations governing Architect of Capitol

The building constructed on the real property acquired under this section shall be designated the "John W. McCormack Residential Page School". The employment of all services (other than that of the United States Capitol Police) necessary for its protection, care, maintenance, and use, for which appropriations are made by Congress, shall be under the control and supervision of the Architect of the Capitol. Such supervision and control shall be subject to the joint approval and direction of the Speaker and the President pro tempore. The Architect shall submit annually to the Congress estimates in detail for all services, other than those of the United States Capitol Police or those provided in connection with the conduct of school operations and the personal supervision of pages, and for all other expenses in connection with the protection, care, maintenance, and use of the John W. McCormack Residential Page School. The Speaker and the President pro tempore shall prescribe, from time to time, regulations governing the Architect in the provision of services and the protection, care, and maintenance, of the John W. McCormack Residential Page School.

(h) Joint appointee for supervision and control over page activities; regulations; Residence Superintendent of Pages; appointment, compensation, and duties; additional personnel; appointment and compensation

The Speaker of the House of Representatives and the President pro tempore of the Senate jointly shall designate an officer of the House and an officer of the Senate, other than a Member of the House or Senate, who shall jointly exercise supervision and control over the activities of the pages resident in the John W. McCormack Residential Page School. With the ap-

proval of the Speaker and the President pro tempore, such officers so designated shall prescribe regulations governing—

(1) the actual use and occupancy of the John W. McCormack Residential Page School including, if necessary, the imposition of a curfew for pages;

(2) the conduct of pages generally; and

(3) other matters pertaining to the supervision, direction, safety, and well-being of pages in off-duty hours.

Such officers, subject to the approval of the Speaker and the President pro tempore, jointly shall appoint and fix the per annum gross rate of pay of a Residence Superintendent of Pages, who shall perform such duties with respect to the supervision of pages resident therein as those officials shall prescribe. In addition, such officers, subject to the approval of the Speaker and the President pro tempore, jointly shall appoint and fix the per annum gross rates of pay of such additional personnel as may be necessary to assist those officers and the Residence Superintendent of Pages in carrying out their functions under this section.

(i) Section 88b of title 2 unaffected

Nothing in section 88b-1 of title 2 and this section shall affect the operation of section 88b of title 2, relating to educational facilities of pages and other minors who are congressional employees.

(Pub. L. 91-510, title IV, §492, Oct. 26, 1970, 84 Stat. 1199; Pub. L. 93-198, title IV, §421, Dec. 24, 1973, 87 Stat. 789; Pub. L. 104-186, title II, §204(34)(C), Aug. 20, 1996, 110 Stat. 1734.)

REFERENCES IN TEXT

Section 88b-1 of title 2 and this section, referred to in subsec. (i), were in the original "this part", meaning part 9 of title IV of Pub. L. 91-510, Oct. 26, 1970, 84 Stat. 1199, which enacted section 88b-1 of Title 2. The Congress, and this section, repealed section 88c of Title 2, and enacted a provision set out as a note under section 88b-1 of Title 2.

AMENDMENTS

1996—Subsec. (i). Pub. L. 104-186 struck out "section 88a of title 2 or" after "affect the operation of".

EFFECTIVE DATE

Section effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91-510, set out as an Effective Date of 1970 Amendment note under section 72a of Title 2, The Congress.

TRANSFER OF FUNCTIONS

Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198. Accordingly, "Mayor" substituted in subsec. (e) for "commissioners".

ACQUISITION OF PROPERTY AS SITE FOR JOHN W. MCCORMACK RESIDENTIAL PAGE SCHOOL

Pub. L. 92-607, ch. V, §508, Oct. 31, 1972, 86 Stat. 1512, authorized Architect of the Capitol to acquire certain specified real estate for use as a green park area pending its development for permanent use as site of John W. McCormack Residential Page School.

§§ 184b to 184f. Repealed. Pub. L. 102-90, title III, § 312(f), Aug. 14, 1991, 105 Stat. 469

Section 184b, Pub. L. 99-500, §101(j), Oct. 18, 1986, 100 Stat. 1783-287, and Pub. L. 99-591, §101(j), Oct. 30, 1986, 100 Stat. 3341-287, as amended Pub. L. 100-71, title I, July 11, 1987, 101 Stat. 425; Pub. L. 101-163, title III, §313(a), Nov. 21, 1989, 103 Stat. 1065, authorized assignment of space for House of Representatives Child Care Center. See section 184g of this title.

Section 184c, Pub. L. 99-500, §101(j), Oct. 18, 1986, 100 Stat. 1783-287, and Pub. L. 99-591, §101(j), Oct. 30, 1986, 100 Stat. 3341-287, as amended Pub. L. 100-71, title I, July 11, 1987, 101 Stat. 425, related to status, board of directors, and reporting requirements of House of Representatives Child Care Center. See section 184g of this title.

Section 184d, Pub. L. 99-500, §101(j), Oct. 18, 1986, 100 Stat. 1783-287, and Pub. L. 99-591, §101(j), Oct. 30, 1986, 100 Stat. 3341-287, as amended Pub. L. 100-71, title I, July 11, 1987, 101 Stat. 425, related to duties of corporation administering House of Representatives Child Care Center. See section 184g of this title.

Section 184e, Pub. L. 99-500, §101(j), Oct. 18, 1986, 100 Stat. 1783-287, and Pub. L. 99-591, §101(j), Oct. 30, 1986, 100 Stat. 3341-287, as amended Pub. L. 100-71, title I, July 11, 1987, 101 Stat. 425; Pub. L. 101-163, title III, §313(b), Nov. 21, 1989, 103 Stat. 1065, related to initial funding and self-sufficiency of House of Representatives Child Care Center. See section 184g of this title.

Section 184f, Pub. L. 99-500, §101(j), Oct. 18, 1986, 100 Stat. 1783-287, and Pub. L. 99-591, §101(j), Oct. 30, 1986, 100 Stat. 3341-287, as amended Pub. L. 100-71, title I, July 11, 1987, 101 Stat. 425; Pub. L. 101-163, title III, §313(c), Nov. 21, 1989, 103 Stat. 1066, defined terms used in former sections 184b to 184f.

For provisions similar to former sections 184b to 184f, see section 184g of this title.

Sections 184b to 184f were based on sections 1 to 5, respectively, of House Resolution No. 21, Ninety-ninth Congress, Dec. 11, 1985, which was enacted into permanent law by section 103 of H.R. 5203 (see House Report 99-805 as filed in the House on Aug. 15, 1986), and incorporated by reference in section 101(j) of Pub. L. 99-500 and Pub. L. 99-591, as amended by Pub. L. 100-71, to be effective as if enacted into law.

§ 184g. House of Representatives Child Care Center

(a) Maintenance and operation; admission of children

(1) The Chief Administrative Officer of the House of Representatives shall maintain and operate a child care center (to be known as the "House of Representatives Child Care Center") to furnish pre-school child care—

(A) for children of individuals whose pay is disbursed by the Chief Administrative Officer of the House of Representatives and children of support personnel of the House of Representatives;

(B) if places are available after admission of all children who are eligible under subparagraph (A), for children of individuals whose pay is disbursed by the Secretary of the Senate and children of employees of agencies of the legislative branch; and

(C) if places are available after admission of all children who are eligible under subparagraph (A) or (B), for children of employees of other offices, departments, and agencies of the Federal Government.

(2) Children shall be admitted to the center on a nondiscriminatory basis and without regard to any office or position held by their parents.

(b) Advisory board; membership, functions, etc.

(1)(A) The Speaker of the House of Representatives shall appoint 15 individuals (of whom 7 shall be upon recommendation of the minority leader of the House of Representatives), to serve without pay, as members of an advisory board for the center. The board shall—

(i) provide advice to the Chief Administrative Officer on matters of policy relating to the administration and operation of the center (including the selection of the director of the center);

(ii) be chosen from among Members of the House of Representatives, spouses of Members, parents of children enrolled in the center, and other individuals with expertise in child care or interest in the center; and

(iii) serve during the Congress in which they are appointed, except that a member of the board may continue to serve after the expiration of a term until a successor is appointed.

(B) The director of the center shall serve as an additional member of the board, ex officio and without the right to vote.

(2) A vacancy on the board shall be filled in the manner in which the original appointment is made.

(3) The chairman of the board shall be elected by the members of the board.

(c) Duties of Chief Administrative Officer of House of Representatives

In carrying out subsection (a) of this section, the Chief Administrative Officer is authorized—

(1) to collect fees for child care services;

(2) to accept such gifts of money and property as may be approved by the Chairman and the ranking minority party member of the Committee on House Oversight of the House of Representatives, acting jointly; and

(3) to employ a director and other employees for the center.

(d) Salaries and expenses; funding limits

(1) There is established an account which, subject to appropriation, and except as provided in paragraph (2), shall be the exclusive source for all salaries and expenses for activities carried out under this section. The Chief Administrative Officer shall deposit in the account any amounts received under subsection (c) of this section.

(2) With respect to employees of the center, the House of Representatives shall make Government contributions and payments for health insurance, retirement, employment taxes, and similar benefits and programs in the same manner as such contributions and payments are made for other employees of the House of Representatives.

(e) Definitions

As used in this section—

(1) the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress;

(2) the term "agency of the legislative branch" means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of

Technology Assessment, the Congressional Budget Office, and the Copyright Royalty Tribunal; and

(3) the term “support personnel” means, with respect to the House of Representatives, any employee of a credit union or of the Architect of the Capitol, whose principal duties are to support the functions of the House of Representatives.

(Pub. L. 102–90, title III, §312, Aug. 14, 1991, 105 Stat. 467; Pub. L. 102–392, title III, §319(a), Oct. 6, 1992, 106 Stat. 1725; Pub. L. 104–186, title II, §221(5), (6), Aug. 20, 1996, 110 Stat. 1749; Pub. L. 106–100, §1(a), Nov. 12, 1999, 113 Stat. 1332.)

CODIFICATION

Section is comprised of section 312 of Pub. L. 102–90. Subsec. (f) of section 312 of Pub. L. 102–90 repealed sections 184b to 184f of this title.

AMENDMENTS

1999—Subsec. (a)(1)(C). Pub. L. 106–100 added subpar. (C).

1996—Pub. L. 104–186, §221(5)(A), substituted “Chief Administrative Officer” for “Clerk” wherever appearing.

Subsec. (a)(1)(A). Pub. L. 104–186, §221(5)(B), struck out “or the Sergeant at Arms of the House of Representatives” before “and children”.

Subsec. (b)(1)(A). Pub. L. 104–186, §221(6)(A), substituted “minority leader” for “Minority Leader”.

Subsec. (c)(2). Pub. L. 104–186, §221(6)(B), substituted “House Oversight” for “House Administration”.

Subsec. (d)(1). Pub. L. 104–186, §221(6)(C), struck out “in the contingent fund of the House of Representatives” after “established”.

Subsec. (d)(2). Pub. L. 104–186, §221(5)(C), substituted “With respect” for “with respect”.

1992—Subsec. (d)(2). Pub. L. 102–392 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “During fiscal year 1992, of the funds provided in this Act for the ‘HOUSE OF REPRESENTATIVES’ under ‘SALARIES AND EXPENSES’, not more than \$45,000 may be expended to carry out this section, subject to approval of the Committee on Appropriations of the House of Representatives. Any amount under this paragraph shall be in addition to any amount made available under paragraph (1).”

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–100, §1(b), Nov. 12, 1999, 113 Stat. 1332, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to children admitted to the House of Representatives Child Care Center on or after the date of the enactment of this Act [Nov. 12, 1999].”

EFFECTIVE DATE OF 1992 AMENDMENT

Section 319(b) of Pub. L. 102–392 provided that: “The amendment made by subsection (a) [amending this section] shall apply to fiscal years beginning after September 30, 1992.”

RETIREMENT CREDIT FOR CERTAIN PRIOR SERVICE WITH HOUSE CHILD CARE CENTER

Pub. L. 103–69, title III, §309, Aug. 11, 1993, 107 Stat. 711, provided that:

“(a) DEFINITIONS.—For the purpose of this section—

“(1) the term ‘House Child Care Center’ means the House of Representatives Child Care Center; and

“(2) the term ‘Congressional employee’ has the meaning given such term—

“(A) in subchapter III of chapter 83 of title 5, United States Code, to the extent that this section relates to the Civil Service Retirement System; or

“(B) in chapter 84 of title 5, United States Code, to the extent that this section relates to the Federal Employees’ Retirement System.

“(b) CSRS.—(1) Subject to paragraph (2), any individual who is an employee of the House Child Care Center on the date of enactment of this Act [Aug. 11, 1993] shall be allowed credit under subchapter III of chapter 83 of title 5, United States Code, as a Congressional employee, for any service if—

“(A) such service was performed before October 1, 1991, as an employee of the House Child Care Center (as constituted before that date); and

“(B) the employee is subject to subchapter III of chapter 83 of such title as of the date of enactment of this Act.

“(2) Credit for service described in paragraph (1)(A) shall not be allowed under this section unless there is paid into the Civil Service Retirement and Disability Fund, by or on behalf of the employee involved, an amount equal to the deductions from pay which would have been applicable under section 8334(c) of title 5, United States Code, for the period of service involved, if such employee were then a Congressional employee, including interest. Retirement credit may not be allowed under this section for any such service unless the full amount of the deposit required under the preceding sentence has been paid.

“(c) FERS.—(1) Subject to paragraph (2), any individual who is an employee of the House Child Care Center on the date of enactment of this Act [Aug. 11, 1993] shall be allowed credit under chapter 84 of title 5, United States Code, as a Congressional employee, for any service if—

“(A) such service was performed before October 1, 1991, as an employee of the House Child Care Center (as constituted before that date); and

“(B) the employee is subject to chapter 84 of such title as of the date of enactment of this Act.

“(2) Credit for service described in paragraph (1)(A) shall not be allowed under this section unless there is paid into the Civil Service Retirement and Disability Fund, by or on behalf of the employee involved, an amount equal to the deductions from pay which would have been payable under applicable provisions of law, for the period of service involved, if such employee were then a Congressional employee, including interest (computed in the same way as interest under subsection (b)(2)). Retirement credit may not be allowed under this section for any such service unless the full amount of the deposit required under the preceding sentence has been paid.

“(d) CLARIFICATION.—Nothing in this section shall be considered to relate to the Thrift Savings Plan.

“(e) OPM FUNCTIONS.—The Office of Personnel Management shall—

“(1) prescribe any regulations which may be necessary to carry out this section; and

“(2) with respect to any service for which credit is sought under this section, accept the certification of the Clerk of the House of Representatives concerning the period of such service and the amount of pay which was paid for such service.”

AVAILABILITY OF AMOUNTS DEPOSITED IN ACCOUNT FOR SALARIES AND EXPENSES

Section 307 of Pub. L. 102–392 provided that: “The amounts deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)) shall be available for salaries and expenses of the House of Representatives Child Care Center without fiscal year limitation, subject to the approval of the Committee on Appropriations of the House of Representatives.”

§ 185. Capitol power plant

The heating, lighting, and power plant constructed under the terms of the Act approved April 28, 1904, shall be known as the "Capitol power plant"; and all vacancies occurring in the force operating said plant and the substations in connection therewith shall be filled by the Architect of the Capitol with the approval of the commission in control of the House Office Building appointed under section 175 of this title.

(Mar. 4, 1911, ch. 285, 36 Stat. 1414; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

REFERENCES IN TEXT

Act approved April 28, 1904, referred to in text, is act Apr. 28, 1904, ch. 1762, §1 (part), 33 Stat. 452 (479), which provided an appropriation for the construction of a heating, lighting and power plant in connection with the office building for the House of Representatives to furnish the necessary heat, light, and power for the office building for the House of Representatives, the Capitol building, the Congressional Library building, and for such other public buildings erected after Apr. 28, 1904, on grounds adjacent to the Capitol grounds at the east of the Capitol building and facing the same.

CODIFICATION

Section is based on act Mar. 4, 1911, popularly known as the "Sundry Civil Appropriation Act, fiscal year 1912". It followed an appropriation for the Capitol power plant.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

GENERAL SERVICES ADMINISTRATION COAL YARD

Pub. L. 100-458, title I, Oct. 1, 1988, 102 Stat. 2170, provided: "That appropriations under this head shall hereafter be available for maintenance, alterations, personal and other services, and for all other necessary expenses of the Government owned property, buildings and facilities located in Lot 803, Square 695, formerly known as the General Services Administration Coal Yard at 42 I Street, S.E., in the District of Columbia."

§ 185a. Senate Garage; control, supervision, servicing of official motor vehicles

(a) The employees of the Senate garage engaged by the Architect of the Capitol for the primary purpose of servicing official motor vehicles, together with the functions performed by such employees, shall, on October 1, 1980, be transferred to the jurisdiction of the Sergeant at Arms and Doorkeeper of the Senate: *Provided further*, That, effective July 1, 1965, the underground space in the north extension of the Capitol Grounds, known as the Legislative Garage shall hereafter be known as the Senate Garage and shall be under the jurisdiction and control of the Architect of the Capitol, subject to such regulations respecting the use thereof as may be promulgated by the Senate Committee on Rules and Administration: *Provided further*, That, such regulations shall provide for the continued assignment of space and the continued furnishing of service in such garage for official motor vehicles of the House and the Senate and the Architect of the Capitol and Capitol Grounds maintenance equipment.

(b) As used in subsection (a) of this section, the term "servicing" includes, with respect to

an official motor vehicle, the washing and fueling of such vehicle, the checking of its tires and battery, and checking and adding oil.

(June 30, 1932, ch. 314, 47 Stat. 391; Pub. L. 88-454, Aug. 20, 1964, 78 Stat. 545; Pub. L. 96-444, §1(a)(1), (b), Oct. 13, 1980, 94 Stat. 1889.)

AMENDMENTS

1980—Subsec. (a). Pub. L. 96-444, §1(a)(1), designated existing provision as subsec. (a) and substituted provision transferring, on October 1, 1980, employees of the Senate garage engaged by the Architect of the Capitol for the primary purpose of servicing official motor vehicles, together with the functions performed by such employees, to the jurisdiction of the Sergeant at Arms and Doorkeeper of the Senate for provision transferring, on July 1, 1932, employees engaged in the care and maintenance of the Senate garage to the jurisdiction of the Architect of the Capitol, without any reduction in compensation to these employees as the result of such transfer.

Subsec. (b). Pub. L. 96-444, §1(b), added subsec. (b).

1964—Pub. L. 88-454 redesignated the Legislative Garage as the Senate Garage, transferred the authority to promulgate rules from the Vice President and the Speaker of the House to the Senate Committee on Rules and Administration, and directed that the regulations provide for the continued assignment of space and the continued furnishing of service for official motor vehicles of the House and the Senate and the Architect of the Capitol and Capitol Grounds maintenance equipment.

AVAILABILITY OF APPROPRIATIONS FOR EXPENSES OF SENATE GARAGE

Title I of S. 2939, Ninety-seventh Congress, 2d Session, as reported Sept. 22, 1982, and incorporated by reference in Pub. L. 97-276, §101(e), Oct. 2, 1982, 96 Stat. 1189, to be effective as if enacted into law, provided in part: "That appropriations under this head [SENATE OFFICE BUILDINGS] shall hereafter be available for maintenance, alterations [alterations], personal and other services, and for all other necessary expenses of the Senate Garage as authorized by the paragraph beginning 'Capitol Garages' under the general heading 'ARCHITECT OF THE CAPITOL' in the first section of the Act entitled 'An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes', approved June 30, 1933 (40 U.S.C. 185a) and Public Law 96-444 [amending this section and enacting provisions set out as notes under this section]."

UNUSED SICK LEAVE AND UNUSED ANNUAL LEAVE OF TRANSFERRED EMPLOYEES; ANNUITY COMPUTATION AND LUMP SUM PAYMENT

Section 1(a)(2), (3) of Pub. L. 96-444 provided that:

"(2) For purposes of section 8339(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred under paragraph (1) [amending subsec. (a) of this section], shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a)-(e) and (o) of such section.

"(3) In the case of days of annual leave to the credit of any such employee as of the date such employee is transferred under paragraph (1) [amending subsec. (a) of this section], the Architect of the Capitol is authorized to make a lump sum payment to each such employee for that annual leave. No such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation."

APPOINTMENT OF GARAGE ATTENDANTS; COMPENSATION; LONGEVITY COMPENSATION

Section 2 of Pub. L. 96-444 provided that:

"(a) Effective October 1, 1980, the Sergeant at Arms and Doorkeeper of the Senate is authorized to appoint

and fix the compensation of four garage attendants at not to exceed \$14,100 per annum each.

“(b) If, and to the extent that, positions established by subsection (a) are first filled by individuals transferred under subsection (a)(1) of the first section [amending subsec. (a) of this section], the Sergeant at Arms and Doorkeeper of the Senate is authorized to fix, in lieu of the compensation prescribed in subsection (a), the compensation—

“(1) of not more than two of such positions so filled at not to exceed \$16,560 per annum each;

“(2) of one of such positions so filled at not to exceed \$15,485 per annum; and

“(3) of one of such positions so filled at not to exceed \$14,390 per annum.

Compensation fixed under this subsection for a position first filled by an individual transferred under subsection (a)(1) of the first section shall cease to be applicable with respect to such position on the date that such individual first ceases to occupy such position.

“(c) During any period with respect to which subsection (b) is applicable to a position occupied by an individual described in such subsection, such individual shall be credited, for purposes of longevity compensation, as authorized by section 106(a), (b), and (d) of the Legislative Branch Appropriation Act, 1963 (2 U.S.C. 60j), for service performed by such individual in the position of garage attendant, as an employee of the Architect of the Capitol, as certified to the Secretary of the Senate by the Architect of the Capitol.”

§ 186. Transfer of material and equipment to Architect

The Secretary of the Army is authorized to transfer, without payment, to the Architect of the Capitol, such material and equipment, not required by the Department of the Army, as the Architect may request for use at the Capitol power plant, the Capitol Building, and the Senate and House Office Buildings.

(June 5, 1920, ch. 253, 41 Stat. 1035; Mar. 3, 1921, ch. 124, 41 Stat. 1291; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CODIFICATION

Section is based on act June 5, 1920, popularly known as the “Third Deficiency Appropriation Act June 5, 1920, fiscal year 1920”.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted “Title 10, Armed Forces” which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

TRANSFER OF FUNCTIONS

For transfer of certain functions insofar as they pertain to Air Force, and to extent that they were not previously transferred to Secretary of the Air Force from Secretary of the Army, see Secretary of Defense Transfer Order No. 40 [App. A(65)], July 22, 1949.

§ 187. National Statuary Hall

Suitable structures and railings shall be erected in the old hall of Representatives for the reception and protection of statuary, and the same shall be under the supervision and direction of

the Architect of the Capitol. And the President is authorized to invite all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem to be worthy of this national commemoration; and when so furnished, the same shall be placed in the old hall of the House of Representatives, in the Capitol of the United States, which is set apart, or so much thereof as may be necessary, as a national statuary hall for the purpose herein indicated.

(R.S. § 1814; Aug. 15, 1876, ch. 287, 19 Stat. 147.)

CODIFICATION

R.S. § 1814 derived from act July 2, 1864, ch. 210, § 2, 13 Stat. 347.

Section 2 of act July 2, 1864, gave the supervision and direction of the National Statuary Hall to the Commissioner of Public Buildings.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

LOCATION OF STATUES

House Concurrent Resolution 47, passed Feb. 24, 1933, 47 Stat. Part 2, 1784, provided: “That the Architect of the Capitol, upon the approval of the Joint Committee on the Library, with the advice of the Commission of Fine Arts, is hereby authorized and directed to relocate within the Capitol any of the statues already received and placed in Statuary Hall, and to provide for the reception and location of the statues received hereafter from the States.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 187a of this title.

§ 187a. Replacement of statue in Statuary Hall

(a) Request by State

(1) Any State may request the Joint Committee on the Library of Congress to approve the replacement of a statue the State has provided for display in Statuary Hall in the Capitol of the United States under section 187 of this title.

(2) A request shall be considered under paragraph (1) only if—

(A) the request has been approved by a resolution adopted by the legislature of the State and the request has been approved by the Governor of the State, and

(B) the statue to be replaced has been displayed in the Capitol of the United States for at least 10 years as of the time the request is made, except that the Joint Committee may waive this requirement for cause at the request of a State.

(b) Agreement upon approval

If the Joint Committee on the Library of Congress approves a request under subsection (a) of this section, the Architect of the Capitol shall enter into an agreement with the State to carry out the replacement in accordance with the request and any conditions the Joint Committee may require for its approval. Such agreement shall provide that—

(1) the new statue shall be subject to the same conditions and restrictions as apply to any statue provided by a State under section 187 of this title, and

(2) the State shall pay any costs related to the replacement, including costs in connection with the design, construction, transportation, and placement of the new statue, the removal and transportation of the statue being replaced, and any unveiling ceremony.

(c) Limitation on number of State statues

Nothing in this section shall be interpreted to permit a State to have more than two statues on display in the Capitol of the United States.

(d) Ownership of replaced statue; removal

(1) Subject to the approval of the Joint Committee on the Library, ownership of any statue replaced under this section shall be transferred to the State.

(2) If any statue is removed from the Capitol of the United States as part of a transfer of ownership under paragraph (1), then it may not be returned to the Capitol for display unless such display is specifically authorized by Federal law.

(e) Relocation of statues

The Architect of the Capitol, upon the approval of the Joint Committee on the Library and with the advice of the Commission of Fine Arts as requested, is authorized and directed to relocate within the United States Capitol any of the statues received from the States under section 187 of this title prior to December 21, 2000, and to provide for the reception, location, and relocation of the statues received on and after December 21, 2000, from the States under such section.

(Pub. L. 106-554, §1(a)(2) [title III, §311], Dec. 21, 2000, 114 Stat. 2763, 2763A-119.)

§ 188. Works of fine arts

The Joint Committee on the Library, whenever, in their judgment, it is expedient, are authorized to accept any work of the fine arts, on behalf of Congress, which may be offered, and to assign the same such place in the Capitol as they may deem suitable, and shall have the supervision of all works of art that may be placed in the Capitol.

(R.S. §1831.)

CODIFICATION

R.S. §1831 derived from act June 10, 1872, ch. 415, §1, 17 Stat. 362.

§ 188a. United States Capitol Preservation Commission

(a) Establishment and purposes

There is established in the Congress the United States Capitol Preservation Commission (hereinafter in sections 188a to 188a-5 of this title referred to as the "Commission") for the purposes of—

(1) providing for improvements in, preservation of, and acquisitions for, the United States Capitol;

(2) providing for works of fine art and other property for display in the United States Cap-

itol and at other locations under the control of the Congress; and

(3) conducting other activities that directly facilitate, encourage, or otherwise support any purposes specified in paragraph (1) or (2).

(b) Membership

The Commission shall be composed of the following Members of Congress:

(1) The President pro tempore of the Senate and the Speaker of the House of Representatives, who shall be co-chairmen.

(2) The Chairman and Vice-Chairman of the Joint Committee on the Library.

(3) The Chairman and the ranking minority party member of the Committee on Rules and Administration of the Senate, and the Chairman and the ranking minority party member of the Committee on House Oversight of the House of Representatives.

(4) The majority leader and the minority leader of the Senate.

(5) The majority leader and the minority leader of the House of Representatives.

(6) The Chairman of the Commission on the Bicentennial of the United States Senate and the Chairman of the Commission of the House of Representatives Bicentenary, to be succeeded upon expiration of such commissions, by a Senator or Member of the House of Representatives, as appropriate, appointed by the Senate or House of Representatives co-chairman of the Commission, respectively.

(7) One Senator appointed by the President pro tempore of the Senate and one Senator appointed by the minority leader of the Senate.

(8) One Member of the House of Representatives appointed by the Speaker of the House of Representatives and one Member of the House of Representatives appointed by the minority leader of the House of Representatives.

(c) Designees

Each member of the Commission specified under subsection (b) of this section (other than a member under paragraph (7) or (8) of such subsection) may designate a Senator or Member of the House of Representatives, as the case may be, to serve as a member of the Commission in place of the member so specified.

(d) Architect of the Capitol

In addition to the members under subsection (b) of this section, the Architect of the Capitol shall participate in the activities of the Commission, ex officio, and without the right to vote.

(e) Staff support and assistance

The Senate Commission on Art, the House of Representatives Fine Arts Board, and the Architect of the Capitol shall provide to the Commission such staff support and assistance as the Commission may request.

(Pub. L. 100-696, title VIII, §801, Nov. 18, 1988, 102 Stat. 4608; Pub. L. 104-186, title II, §221(7), Aug. 20, 1996, 110 Stat. 1749.)

AMENDMENTS

1996—Subsec. (b)(3). Pub. L. 104-186 substituted "House Oversight" for "House Administration".

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Adminis-

tration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 188a-1, 188a-2, 188a-5 of this title.

§ 188a-1. Authority of Commission to accept gifts and conduct other transactions relating to works of fine art and other property

(a) In general

In carrying out the purposes referred to in section 188a(a) of this title the Commission is authorized—

- (1) to accept gifts of works of fine art, gifts of other property, and gifts of money; and
- (2) to acquire property, administer property, dispose of property, and conduct other transactions related to such purposes.

(b) Transfer and disposition of works of fine art and other property

The Commission shall, with respect to works of fine art and other property received by the Commission—

- (1) in consultation with the Joint Committee on the Library, the Senate Commission on Art, or the House of Representatives Fine Arts Board, as the case may be, transfer such property to the entity consulted;
- (2) if a transfer described in paragraph (1) is not appropriate, dispose of the work of fine art by sale or other transaction; and
- (3) in the case of property that is not directly related to the purposes referred to in section 188a(a) of this title, dispose of such property by sale or other transaction.

(c) Requirements for conduct of transactions

In conducting transactions under this section, the Commission shall—

- (1) accept money only in the form of a check or similar instrument made payable to the Treasury of the United States and shall deposit any such check or instrument in accordance with section 188a-2 of this title;
- (2) in making sales and engaging in other property transactions, take into consideration market conditions and other relevant factors; and
- (3) assure that each transaction is directly related to the purposes referred to in section 188a(a) of this title.

(Pub. L. 100-696, title VIII, § 802, Nov. 18, 1988, 102 Stat. 4609; Pub. L. 101-302, title III, § 312(a), May 25, 1990, 104 Stat. 245.)

AMENDMENTS

1990—Subsec. (b)(1). Pub. L. 101-302 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “upon agreement with the Joint Committee on the Library, the Senate Commission on Art, or the House of Representatives Fine Arts Board, as the case may be, transfer such property to the entity with which the agreement is made;”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 188a, 188a-2, 188a-5, 188c-1 of this title.

§ 188a-2. Capitol Preservation Fund

(a) In general

There is established in the Treasury a fund, to be known as the “Capitol Preservation Fund”

(hereafter in sections 188a to 188a-5 of this title referred to as the “fund”), which shall consist of (1) amounts deposited, and interest and proceeds credited, under subsection (d) of this section, (2) obligations obtained under subsection (e) of this section, and (3) all surcharges received by the Secretary of the Treasury from the sale of coins minted under the Bicentennial of the United States Congress Commemorative Coin Act.

(b) Availability of fund

The fund shall be available to the Commission—

- (1) for payment of transaction costs and similar expenses incurred under section 188a-1 of this title;
- (2) subject to the approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, for improvement and preservation projects for the United States Capitol;
- (3) for disbursement with respect to works of fine art and other property as provided in section 188a-1 of this title; and
- (4) for such other payments as may be required to carry out section 188a of this title or section 188a-1 of this title.

(c) Transaction costs and proportionality

In carrying out this section, the Commission shall, to the extent practicable, take such action as may be necessary—

- (1) to minimize disbursements under subsection (b)(1) of this section; and
- (2) to equalize disbursements under subsection (b) of this section between the Senate and the House of Representatives.

(d) Deposits, credits, and disbursements

The Commission shall deposit in the fund gifts of money and proceeds of transactions under section 188a-1 of this title. The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund. Disbursements from the fund shall be made on vouchers approved by the Commission and signed by the co-chairmen.

(e) Investments

The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Commission, is not required to meet current withdrawals. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Commission has a maturity suitable for the fund. In carrying out this subsection, the Secretary may make such purchases, sales, and redemptions of obligations as may be approved by the Commission.

(Pub. L. 100-696, title VIII, § 803, Nov. 18, 1988, 102 Stat. 4609; Pub. L. 101-302, title III, § 312(b), May 25, 1990, 104 Stat. 245.)

REFERENCES IN TEXT

The Bicentennial of the United States Congress Commemorative Coin Act, referred to in subsec. (a), is Pub. L. 100-673, Nov. 17, 1988, 102 Stat. 3992, which is set out as a note under section 5112 of Title 31, Money and Finance.

AMENDMENTS

1990—Subsec. (b). Pub. L. 101-302, § 312(b)(1), struck out “subject to the approval, except for the purchase of

fine art and antiques, of the Committees on Appropriations of the House of Representatives and Senate, respectively” after “The fund shall be available to the Commission”.

Subsec. (b)(2). Pub. L. 101-302, §312(b)(2), inserted “subject to the approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate,” before “For improvement”.

CAPITOL VISITOR CENTER FUNDING

Pub. L. 107-117, div. B, §913, Jan. 10, 2002, 115 Stat. 2324, provided that:

“(a) Notwithstanding any other provision of law, the United States Capitol Preservation Commission established under section 801 of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188a) may transfer to the Architect of the Capitol amounts in the Capitol Preservation Fund established under section 803 of such Act (40 U.S.C. 188a-2) if the amounts are to be used by the Architect for the planning, engineering, design, or construction of the Capitol Visitor Center.

“(b) Any amounts transferred pursuant to subsection (a) shall remain available for the use of the Architect of the Capitol until expended.

“(c) This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 188a, 188a-1, 188a-5 of this title.

§ 188a-3. Audits by the Comptroller General

The Comptroller General shall conduct annual audits of the transactions of the Commission and shall report the results of each audit to the Congress.

(Pub. L. 100-696, title VIII, §804, Nov. 18, 1988, 102 Stat. 4610.)

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in this section relating to the requirement that the Comptroller General report the results of annual audits to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 2 of House Document No. 103-7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 188a, 188a-2, 188a-5 of this title.

§ 188a-4. Advisory boards

The Commission may establish appropriate boards to provide advice and assistance to the Commission and to further the purposes of the Commission. The boards shall be composed of members (including chairmen) who shall be appointed by the Commission from public and private life and shall serve at the pleasure of the Commission and each co-chairman of the Commission may appoint one member to any such board. The members of boards under this section may be reimbursed for actual and necessary expenses incurred in the performance of the duties of the boards, at the discretion of the Commission.

(Pub. L. 100-696, title VIII, §805, Nov. 18, 1988, 102 Stat. 4610.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 188a, 188a-2, 188a-5 of this title.

§ 188a-5. “Member of the House of Representatives” defined

As used in sections 188a to 188a-5 of this title, the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(Pub. L. 100-696, title VIII, §806, Nov. 18, 1988, 102 Stat. 4610.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 188a, 188a-2 of this title.

§ 188b. Senate Commission on Art

(a) Establishment

There is hereby established a Senate Commission on Art (hereinafter referred to as “the Commission”) consisting of the President pro tempore of the Senate, the chairman and ranking minority member of the Committee on Rules and Administration of the Senate, and the majority and minority leaders of the Senate.

(b) Chairman and Vice Chairman; quorum; Executive Secretary

The Commission shall elect a Chairman and a Vice Chairman at the beginning of each Congress. Three members of the Commission shall constitute a quorum for the transaction of business, except that the Commission may fix a lesser number which shall constitute a quorum for the taking of testimony. The Secretary of the Senate shall be the Executive Secretary of the Commission¹

(c) Selection of Curator of Art and Antiquities of the Senate; availability of professional and clerical assistance

The Commission shall select a Curator of Art and Antiquities of the Senate who shall be appointed by and be an employee of the Secretary of the Senate. The Curator shall serve at the pleasure of the Commission, shall perform such duties as it may prescribe, and shall receive compensation at a gross rate, not to exceed \$22,089 per annum to be fixed by the Commission. At the request of the Commission the Secretary of the Senate shall detail to the Commission such additional professional, clerical, and other assistants as, from time to time, it deems necessary.

(d) Hearings and meetings

The Commission shall be empowered to hold hearings, summon witnesses, administer oaths, employ reporters, request the production of papers and records, take such testimony, and adopt such rules for the conduct of its hearings and meetings, as it deems necessary.

(Pub. L. 100-696, title IX, §901(a), (b)(1), (3), Nov. 18, 1988, 102 Stat. 4610, 4611.)

CODIFICATION

Section is based on section 1 of Senate Resolution No. 382, Ninetieth Congress, Oct. 1, 1968, which was enacted into permanent law and amended by Pub. L. 100-696.

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-696, §901(b)(3), substituted “Senate Commission on Art” for “Commission on Art and Antiquities of the United States Senate”.

¹ So in original. Probably should be followed by a period.

Subsec. (b). Pub. L. 100-696, §901(b)(1), inserted “The Secretary of the Senate shall be the Executive Secretary of the Commission”.

SENATE RULEMAKING POWER

Section 901(d) of Pub. L. 100-696 provided that: “The provisions of this section [enacting sections 188b to 188b-5 of this title and amending sections 188b, 188b-1, and 188b-5 of this title] are enacted by the Congress—

“(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

“(2) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.”

INCREASES IN COMPENSATION

Increases in compensation for officers and employees of the Senate under authority of the Federal Pay Comparability Act of 1970 (Pub. L. 91-656), see Salary Directives of the President pro tempore of the Senate, set out as notes under section 60a-1 of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 188b-5 of this title.

§ 188b-1. Duties of Commission

(a) In general

The Commission is hereby authorized and directed to supervise, hold, place, protect, and make known all works of art, historical objects, and exhibits within the Senate wing of the United States Capitol, any Senate Office Buildings, and in all rooms, spaces, and corridors thereof, which are the property of the United States, and in its judgment to accept any works of art, historical objects, or exhibits which may hereafter be offered, given, or devised to the Senate, its committees, and its officers for placement and exhibition in the Senate wing of the Capitol, the Senate Office Buildings, or in rooms, spaces, or corridors thereof.

(b) Issuance and publication of regulations

The Commission shall prescribe such regulations as it deems necessary for the care, protection, and placement of such works of art, exhibits, and historical objects in the Senate wing of the Capitol and the Senate Office Buildings, and for their acceptance on behalf of the Senate, its committees, and officers. Such regulations shall be published in the Congressional Record at such time or times as the Commission may deem necessary for the information of the Members of the Senate and the public.

(c) Consistency of regulations

Regulations authorized by the provisions of section 193 of this title to be issued by the Sergeant at Arms of the Senate for the protection of the Capitol, and any regulations issued, or activities undertaken, by the Committee on Rules and Administration of the Senate, or the Architect of the Capitol, in carrying out duties relating to the care, preservation, and protection of the Senate wing of the Capitol and the Senate Office Buildings, shall be consistent with such rules and regulations as the Commission may issue pursuant to subsection (b) of this section.

(d) Responsibilities of Committee on Rules and Administration of Senate

The Committee on Rules and Administration of the Senate in consultation with the Architect of the Capitol and consistent with regulations prescribed by the Commission under subsection (b) of this section, shall have responsibility for the supervision, protection, and placement of all works of art, historical objects, and exhibits which shall have been accepted on behalf of the Senate by the Commission or acknowledged as United States property by inventory of the Commission, and which may be lodged in the Senate wing of the Capitol or the Senate Office Buildings by the Commission.

(Pub. L. 100-696, title IX, §901(a), (b)(2), Nov. 18, 1988, 102 Stat. 4610, 4611.)

CODIFICATION

Section is based on section 2 of Senate Resolution No. 382, Ninetieth Congress, Oct. 1, 1968, which was enacted into permanent law and amended by Pub. L. 100-696.

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-696, §901(b)(2), substituted “protect, and make known” for “and protect” and “Senate wing of the United States Capitol, any Senate Office Buildings” for “Senate wing of the Capitol”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 188b-5 of this title.

§ 188b-2. Supervision and maintenance of Old Senate Chamber

The Commission shall have responsibility for the supervision and maintenance of the Old Senate Chamber on the principal floor of the Senate wing of the Capitol and of the Old Supreme Court Chamber insofar as each is to be preserved as a patriotic shrine in the Capitol for the benefit of the people of the United States.

(Pub. L. 100-696, title IX, §901(a), Nov. 18, 1988, 102 Stat. 4610; Pub. L. 107-68, title I, §108(a), Nov. 12, 2001, 115 Stat. 569.)

CODIFICATION

Section is based on section 3 of Senate Resolution No. 382, Ninetieth Congress, Oct. 1, 1968, which was enacted into permanent law by Pub. L. 100-696.

AMENDMENTS

2001—Pub. L. 107-68 substituted “and of the Old Supreme Court Chamber insofar as each” for “insofar as it”.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-68, title I, §108(c), Nov. 12, 2001, 115 Stat. 569, provided that: “The amendments made by this section [amending this section and section 188b-4 of this title] shall apply to fiscal year 2002 and all succeeding fiscal years.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 188b-5 of this title.

§ 188b-3. Publication of list of works of art, historical objects, and exhibits

The Commission shall, from time to time, but at least once every ten years, publish as a Sen-

ate document a list of all works of art, historical objects, and exhibits currently within the Senate wing of the Capitol and the Senate Office Buildings, together with their description, location, and with such notes as may be pertinent to their history.

(Pub. L. 100-696, title IX, §901(a), Nov. 18, 1988, 102 Stat. 4610.)

CODIFICATION

Section is based on section 4 of Senate Resolution No. 382, Ninetieth Congress, Oct. 1, 1968, which was enacted into permanent law by Pub. L. 100-696.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 188b-5 of this title.

§ 188b-4. Authorization of appropriations

There is hereby authorized to be appropriated out of the contingent fund of the Senate for the expenses of the Commission such amount as may be necessary each fiscal year, to be disbursed by the Secretary of the Senate on vouchers signed by the Executive Secretary of the Commission and approved by the Committee on Rules and Administration of the Senate: *Provided*, That no payment shall be made from such appropriation as salary.

(Pub. L. 100-696, title IX, §901(a), Nov. 18, 1988, 102 Stat. 4610; Pub. L. 107-68, title I, §108(b), Nov. 12, 2001, 115 Stat. 569.)

CODIFICATION

Section is based on section 5 of Senate Resolution No. 382, Ninetieth Congress, Oct. 1, 1968, which was enacted into permanent law by Pub. L. 100-696.

AMENDMENTS

2001—Pub. L. 107-68 substituted “such amount as may be necessary each fiscal year,” for “the sum of \$15,000 each fiscal year,” and “the Executive Secretary of the Commission and approved by the Committee on Rules and Administration of the Senate” for “the Chairman or Vice Chairman of the Commission”.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-68 applicable to fiscal year 2002 and all succeeding fiscal years, see section 108(c) of Pub. L. 107-68, set out as a note under section 188b-2 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 188b-5 of this title.

§ 188b-5. Additional authority for Senate Commission on Art to acquire works of art, historical objects, documents, or exhibits

(a) The Senate Commission on Art, in addition to any authority conferred upon it by sections 188b to 188b-4 of this title, is authorized to acquire any work of art, historical object, document or material relating to historical matters, or exhibit for placement or exhibition in the Senate wing of the Capitol, the Senate Office Buildings, or in rooms, spaces, or corridors thereof.

(b) This section shall be effective as of March 1, 1971.

(Pub. L. 100-696, title IX, §901(a), (c), Nov. 18, 1988, 102 Stat. 4610, 4611.)

CODIFICATION

Section is based on Senate Resolution No. 95, Ninety-second Congress, Apr. 1, 1971, which was enacted into permanent law and amended by Pub. L. 100-696.

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-696, §901(c), substituted “Senate Commission on Art” for “Commission on Art and Antiquities of the United States Senate”.

§ 188b-6. Conservation, restoration, replication, or replacement of items in United States Senate Collection

(a) Use of moneys in Senate contingent fund

Effective with the fiscal year ending September 30, 2002, and each fiscal year thereafter, subject to the approval of the Committee on Appropriations of the Senate, any unexpended and unobligated funds in the appropriation account for the “Secretary of the Senate” within the contingent fund of the Senate which have not been withdrawn in accordance with section 102a of title 2, shall be available for the expenses incurred, without regard to the fiscal year in which incurred, for the conservation, restoration, and replication or replacement, in whole or in part, of works of art, historical objects, documents, or material relating to historical matters for placement or exhibition within the Senate wing of the United States Capitol, any Senate Office Building, or any room, corridor, or other space therein. In the case of replication or replacement of such works, objects, documents, or material, the funds available under this subsection shall be available for any such works, objects, documents, or material previously contained within the Senate wing of the Capitol, or a work, object, document, or material historically accurate.

(b) United States Senate Collection

All such works, objects, documents, or materials referred to in subsection (a) of this section may be known as the “United States Senate Collection”.

(c) Approval of disbursements by Chairman or Executive Secretary of Senate Commission on Art

Disbursements for expenses incurred for the purposes in subsection (a) of this section shall be made upon vouchers approved by the Chairman of the Senate Commission on Art or the Executive Secretary of the Senate Commission on Art.

(Pub. L. 101-302, title III, §316, May 25, 1990, 104 Stat. 246; Pub. L. 101-520, title III, §323, Nov. 5, 1990, 104 Stat. 2285; Pub. L. 102-90, title III, §310, Aug. 14, 1991, 105 Stat. 467; Pub. L. 102-392, title III, §312, Oct. 6, 1992, 106 Stat. 1723; Pub. L. 103-69, title III, §314, Aug. 11, 1993, 107 Stat. 713; Pub. L. 103-283, title III, §309, July 22, 1994, 108 Stat. 1442; Pub. L. 104-53, title III, §311, Nov. 19, 1995, 109 Stat. 538; Pub. L. 104-197, title III, §313, Sept. 16, 1996, 110 Stat. 2415; Pub. L. 105-55, title III, §309, Oct. 7, 1997, 111 Stat. 1198; Pub. L. 105-275, title III, §311, Oct. 21, 1998, 112 Stat. 2457; Pub. L. 106-57, title III, §309, Sept. 29, 1999, 113 Stat. 427; Pub. L. 106-554, §1(a)(2) [title I, §8, title III, §309], Dec. 21, 2000, 114 Stat. 2763, 2763A-98, 2763A-119; Pub. L. 107-68, title III, §308, Nov. 12, 2001, 115 Stat. 592.)

AMENDMENTS

2001—Subsec. (a). Pub. L. 107-68 substituted “2002” for “2001” in first sentence.

2000—Subsec. (a). Pub. L. 106-554, §1(a)(2) [title III, §309], substituted “2001” for “2000” in first sentence.

Pub. L. 106-554, §1(a)(2) [title I, §8(1), (2)], in first sentence, substituted “works of art, historical objects, documents, or material relating to historical matters for placement or exhibition” for “items of art, fine art, and historical items” and, in second sentence, substituted “such works, objects, documents, or material” for “such items” in two places and “a work, object, document, or material” for “an item”.

Subsec. (b). Pub. L. 106-554, §1(a)(2) [title I, §8(3)], substituted “such works, objects, documents, or materials” for “such items of art” and “may” for “shall”.

1999—Subsec. (a). Pub. L. 106-57 substituted “2000” for “1999”.

1998—Subsec. (a). Pub. L. 105-275 substituted “1999” for “1998”.

1997—Subsec. (a). Pub. L. 105-55 substituted “1998” for “1997”.

1996—Subsec. (a). Pub. L. 104-197 substituted “1997” for “1996”.

1995—Subsec. (a). Pub. L. 104-53 substituted “1996” for “1995”.

1994—Subsec. (a). Pub. L. 103-283 substituted “1995” for “1994”.

1993—Subsec. (a). Pub. L. 103-69 substituted “1994” for “1993”.

1992—Subsec. (a). Pub. L. 102-392 substituted “1993” for “1992”.

1991—Subsec. (a). Pub. L. 102-90 substituted “1992” for “1991”.

1990—Subsec. (a). Pub. L. 101-520 substituted “1991” for “1990”.

§ 188c. House of Representatives Fine Arts Board

(a) Establishment and authority

There is established in the House of Representatives a Fine Arts Board (hereafter in sections 188c and 188c-1 of this title referred to as the “Board”), comprised of the House of Representatives members of the Joint Committee on the Library. The chairman of the Committee on House Oversight of the House of Representatives shall be the chairman of the Board. The Board, in consultation with the House Office Building Commission, shall have authority over all works of fine art, historical objects, and similar property that are the property of the Congress and are for display or other use in the House of Representatives wing of the Capitol, the House of Representatives Office Buildings, or any other location under the control of the House of Representatives.

(b) Clerk of the House of Representatives

Under the supervision and direction of the Board, the Clerk of the House of Representatives shall be responsible for the administration, maintenance, and display of the works of fine art and other property referred to in subsection (a) of this section.

(c) Architect of the Capitol

The Architect of the Capitol shall provide assistance to the Board and to the Clerk of the House of Representatives in the carrying out of their responsibilities under sections 188c and 188c-1 of this title.

(Pub. L. 100-696, title X, §1001, Nov. 18, 1988, 102 Stat. 4611; Pub. L. 104-186, title II, §221(8), Aug. 20, 1996, 110 Stat. 1749.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-186 substituted “House Oversight” for “House Administration”.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

TRANSFER OF FUNCTIONS

Certain functions of Clerk of House of Representatives transferred to Director of Non-legislative and Financial Services by section 7 of House Resolution No. 423, One Hundred Second Congress, Apr. 9, 1992. Director of Non-legislative and Financial Services replaced by Chief Administrative Officer of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

§ 188c-1. Acceptance of gifts on behalf of the House of Representatives

The Board is authorized to accept, on behalf of the House of Representatives, gifts of works of fine art, historical objects, and similar property, including transfers from the United States Capitol Preservation Commission under section 188a-1 of this title, for display or other use in the House of Representatives wing of the Capitol, the House of Representatives Office Buildings, or any other location under the control of the House of Representatives.

(Pub. L. 100-696, title X, §1002, Nov. 18, 1988, 102 Stat. 4612.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 188c of this title.

§ 189. Art exhibits

No work of art or manufacture other than the property of the United States shall be exhibited in the National Statuary Hall, the Rotunda, or the corridors of the Capitol.

(R.S. §1815; Mar. 3, 1875, ch. 130, 18 Stat. 376; Mar. 3, 1879, ch. 182, 20 Stat. 391.)

CODIFICATION

Section is based on act Mar. 3, 1879, popularly known as the “Sundry Civil Appropriation Act, fiscal year 1879”.

R.S. §1815 derived from act July 20, 1868, ch. 176, §6, 15 Stat. 110.

§ 190. Private studios and works of art

No room in the Capitol shall be used for private studios or works of art, without permission from the Joint Committee on the Library, given in writing; and it shall be the duty of the Architect of the Capitol to carry this provision into effect.

(Mar. 3, 1875, ch. 130, 18 Stat. 376.)

§ 190a. Omitted

CODIFICATION

Section, act Mar. 2, 1895, ch. 189, 28 Stat. 959, related to location of terminal of the conveying apparatus for rapid transmission of books, papers, and messages between Library of Congress and Capitol.

§ 190b. Location of reference library for Senate and House of Representatives

The rooms and space recently occupied by the Library of Congress in the Capitol building shall

be divided into three stories, the third story of which shall be fitted up and used for a reference library for the Senate and House of Representatives, and that portion of the other two stories north of a line drawn east and west through the center of the Rotunda shall be used for such purpose as may be designated by the Senate of the United States, and that portion of the first and second stories south of said line shall be used for such purpose as may be designated by the House of Representatives.

(June 6, 1900, No. 33, 31 Stat. 719.)

§ 191. Repealed. Jan. 24, 1934, ch. 4, § 34, 48 Stat. 336

Section, act Mar. 3, 1903, ch. 1012, § 34, 32 Stat. 1221, prohibited sale of intoxicating liquors within limits of the Capitol Building.

§ 192. Omitted

CODIFICATION

Section, R.S. §1819; act Aug. 15, 1876, ch. 287, 19 Stat. 147, which extended to the Capitol Square the laws of the District of Columbia, was superseded by section 101 of this title.

§ 193. Protection of buildings and property

The Sergeants at Arms of the Senate and of the House of Representatives are authorized to make such regulations as they may deem necessary for preserving the peace and securing the Capitol from defacement, and for the protection of the public property therein, and they shall have power to arrest and detain any person violating such regulations, until such person can be brought before the proper authorities for trial.

(R.S. § 1820.)

CODIFICATION

R.S. § 1820 derived from acts Mar. 30, 1867, ch. 20, § 2, 15 Stat. 12; Apr. 29, 1876, ch. 86, 19 Stat. 41.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 188b-1 of this title.

§ 193a. United States Capitol Grounds; area comprising; jurisdiction

The United States Capitol Grounds shall comprise all squares, reservations, streets, roadways, walks, and other areas as defined on a map entitled "Map showing areas comprising United States Capitol Grounds", dated June 25, 1946, approved by the Architect of the Capitol and recorded in the Office of the Surveyor of the District of Columbia in book 127, page 8, including all additions added thereto by law subsequent to June 25, 1946, and the jurisdiction and control over the United States Capitol Grounds, vested prior to July 31, 1946 by law in the Architect of the Capitol, is extended to the entire area of the United States Capitol Grounds, and the Architect of the Capitol shall be responsible for the maintenance and improvement thereof, including those streets and roadways in said United States Capitol Grounds as shown on said map as being under the jurisdiction and control of the Commissioners of the District of Columbia, except that the Mayor of the District of Co-

lumbia shall be responsible for the maintenance and improvement of those portions of the following streets which are situated between the curblines thereof: Constitution Avenue from Second Street Northeast to Third Street Northwest, First Street from D Street N.E. to D Street S.E., D Street from First Street S.E. to Canal Street S.W., and First Street from the north side of Louisiana Avenue to the intersection of C Street and Canal Street S.W., Pennsylvania Avenue Northwest from First Street Northwest to Third Street Northwest, Maryland Avenue Southwest from First Street Southwest to Third Street Southwest, Second Street Northeast from F Street Northeast to C Street Southeast; C Street Southeast from Second Street Southeast to First Street Southeast; that portion of Maryland Avenue Northeast from Second Street Northeast to First Street Northeast; that portion of New Jersey Avenue Northwest from D Street Northwest to Louisiana Avenue; that portion of Second Street Southwest from the north curb of D Street to the south curb of Virginia Avenue Southwest; that portion of Virginia Avenue Southwest from the east curb of Second Street Southwest to the west curb of Third Street Southwest; that portion of Third Street Southwest from the south curb of Virginia Avenue Southwest to the north curb of D Street Southwest; that portion of D Street Southwest from the west curb of Third Street Southwest to the east curb of Second Street Southwest; that portion of Canal Street Southwest, including sidewalks and traffic islands, from the south curb of Independence Avenue Southwest to the west curb of South Capitol Street: *Provided*, That the Mayor of the District of Columbia shall be permitted to enter any part of said United States Capitol Grounds for the purpose of repairing or maintaining or, subject to the approval of the Architect of the Capitol, for the purpose of constructing or altering, any utility service of the District of Columbia government.

(July 31, 1946, ch. 707, § 1, 60 Stat. 718; 1967 Reorg. Plan No. 3, § 401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 90-108, § 1(a), Oct. 20, 1967, 81 Stat. 275; Pub. L. 93-198, title IV, § 421, title VII, § 739(g)(7), Dec. 24, 1973, 87 Stat. 789, 829; Pub. L. 96-432, § 2, Oct. 10, 1980, 94 Stat. 1852.)

AMENDMENTS

1980—Pub. L. 96-432 substituted "Constitution Avenue from Second Street Northeast to Third Street Northwest" and "C Street and Canal Street S.W., Pennsylvania Avenue Northwest from First Street Northwest to Third Street Northwest, Maryland Avenue Southwest from First Street Southwest to Third Street Southwest, Second Street Northeast from F Street Northeast to C Street Southeast; C Street Southeast from Second Street Southeast to First Street Southeast; that portion of Maryland Avenue Northeast from Second Street Northeast to First Street Northeast; that portion of New Jersey Avenue Northwest from D Street Northwest to Louisiana Avenue; that portion of Second Street Southwest from the north curb of D Street to the south curb of Virginia Avenue Southwest; that portion of Virginia Avenue Southwest from the east curb of Second Street Southwest to the west curb of Third Street Southwest; that portion of Third Street Southwest from the south curb of Virginia Avenue Southwest to the north curb of D Street Southwest; that portion of D Street Southwest from the west curb

of Third Street Southwest to the east curb of Second Street Southwest; that portion of Canal Street Southwest, including sidewalks and traffic islands, from the south curb of Independence Avenue Southwest to the west curb of South Capitol Street: *Provided*” for “Constitution Avenue from First Street N.E. to Second Street N.W.” and “C Street and Canal Street S.W.: *Provided*”, respectively.

1973—Pub. L. 93-198 substituted “, including those streets and roadways in said United States Capitol Grounds as shown on said map as being under the jurisdiction and control of the Commissioners of the District of Columbia, except that the Commissioner of the District of Columbia shall be responsible for the maintenance and improvement of those portions of the following streets which are situated between the curblines thereof: Constitution Avenue from First Street N.E. to Second Street N.W., First Street from D Street N.E. to D Street S.E., D Street from First Street S.E. to Canal Street S.W., and First Street from the north side of Louisiana Avenue to the intersection of C Street and Canal Street S.W.: *Provided*,” for “: *Provided*, That those streets and roadways as being under the jurisdiction and control of the Commissioner of the District of Columbia shall continue under such jurisdiction and control, and said Commissioner shall be responsible for the maintenance and improvement thereof: *Provided further*,”.

1967—Pub. L. 90-108 inserted “including all additions added thereto by law subsequent to June 25, 1946,” after “book 127, page 8”, and struck out “as defined on the aforementioned map” after “the entire area of the United States Capitol Grounds”.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 4 of Pub. L. 96-432 provided that: “The foregoing provisions of this Act [amending this section and enacting provisions set out as notes below] shall take effect upon the expiration of the thirty-day period following the date of the enactment of this Act [Oct. 10, 1980].”

EFFECTIVE DATE OF 1973 AMENDMENT

Section 771 of Pub. L. 93-198 provided that the amendment made by Pub. L. 93-198 is effective on Jan. 2, 1975, if a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum accepted the charter set out in title IV of Pub. L. 93-198, Dec. 24, 1973, 87 Stat. 785. The charter was approved by the voters on May 7, 1974.

EFFECTIVE DATE OF 1967 AMENDMENT

Section 3 of Pub. L. 90-108 provided that: “Prosecutions for violations of the Act of July 31, 1946 (60 Stat. 718; 40 U.S.C. 193a et seq.; D.C. Code 9-118 et seq.) [sections 193a to 193m, 212a, 212a-2, and 212b of this title] and of section 15 of the Act of July 29, 1892 (27 Stat. 325; D.C. Code 4-120, 22-3111) [section 101 of this title], occurring prior to the enactment of these amendments [Oct. 20, 1967] shall not be affected by these amendments or abated by reason thereof. The provisions of this Act [amending sections 101, 193a, 193f, 193h and 193m of this title] shall be applicable to violations occurring after its enactment [Oct. 20, 1967].”

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3 of 1967, functions of Board of Commissioners of District of Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198. Accordingly, “Mayor” substituted in text for “Commissioner” and for “Commissioners” the second time appearing.

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CAPITOL

Pub. L. 102-392, title III, § 324, Oct. 6, 1992, 106 Stat. 1726, established in the Congress the Commission on the Bicentennial of the United States Capitol to organize and publicize a celebration in 1993 to observe the 200th anniversary of the laying of the cornerstone of the United States Capitol, set forth its composition of certain Members of Congress and its staffing authority, authorized the Commission to use voluntary staff and services and information, services, facilities, and personnel of the Secretary of the Senate and the Clerk of the House of Representatives, and directed support and assistance from legislative agencies and funding of expenses from the contingency funds of the Senate and House of Representatives.

CHANGES IN UNITED STATES CAPITOL GROUNDS

Pub. L. 104-333, div. I, title V, § 514, Nov. 12, 1996, 110 Stat. 4165, provided that:

“(a) PURPOSE.—It is the purpose of this section—

“(1) to assist in the effort to timely establish within the District of Columbia a national memorial to Japanese American patriotism in World War II; and

“(2) to improve management of certain parcels of Federal real property located within the District of Columbia,

by the transferring jurisdiction over such parcels to the Architect of the Capitol, the Secretary of the Interior, and the Government of the District of Columbia.

“(b) TRANSFERS OF JURISDICTION.—

“(1) IN GENERAL.—Effective on the date of the enactment of this Act [Nov. 12, 1996] and notwithstanding any other provision of law, jurisdiction over the parcels of Federal real property described in paragraph (2) is transferred without additional consideration as provided by paragraph (2).

“(2) SPECIFIC TRANSFERS.—

“(A) TRANSFERS TO SECRETARY OF THE INTERIOR.—

“(i) IN GENERAL.—Jurisdiction over the following parcels is transferred to the Secretary of the Interior:

“(I) That triangle of Federal land, including any contiguous sidewalks and tree space, that is part of the United States Capitol Grounds under the jurisdiction of the Architect of the Capitol bound by D Street, N.W., New Jersey Avenue, N.W., and Louisiana Avenue, N.W., in square W632 in the District of Columbia, as shown on the Map Showing Properties Under Jurisdiction of the Architect of the Capitol, dated November 8, 1994.

“(II) That triangle of Federal land, including any contiguous sidewalks and tree space, that is part of the United States Capitol Grounds under the jurisdiction of the Architect of the Capitol bound by C Street, N.W., First Street, N.W., and Louisiana Avenue, N.W., in the District of Columbia, as shown on the Map Showing Properties Under Jurisdiction of the Architect of the Capitol, dated November 8, 1994.

“(ii) LIMITATION.—The parcels transferred by clause (i) shall not include those contiguous sidewalks abutting Louisiana Avenue, N.W., which shall remain part of the United States Capitol Grounds under the jurisdiction of the Architect of the Capitol.

“(iii) CONSIDERATION AS MEMORIAL SITE.—The parcels transferred by subclause (I) of clause (i) may be considered as a site for a national memorial to Japanese American patriotism in World War II.

“(B) TRANSFERS TO ARCHITECT OF THE CAPITOL.—Jurisdiction over the following parcels is transferred to the Architect of the Capitol:

“(i) That portion of the triangle of Federal land in Reservation No. 204 in the District of Columbia under the jurisdiction of the Secretary of the Interior, including any contiguous sidewalks, bound

by Constitution Avenue, N.E., on the north, the branch of Maryland Avenue, N.E., running in a northeast direction on the west, the major portion of Maryland Avenue, N.E., on the south, and 2nd Street, N.E., on the east, including the contiguous sidewalks.

“(ii) That irregular area of Federal land in Reservation No. 204 in the District of Columbia under the jurisdiction of the Secretary of the Interior, including any contiguous sidewalks, northeast of the real property described in clause (i) bound by Constitution Avenue, N.E., on the north, the branch of Maryland Avenue, N.E., running to the northeast on the south, and the private property on the west known as lot 7, in square 726.

“(iii) The two irregularly shaped medians lying north and east of the property described in clause (i), located between the north and south curbs of Constitution Avenue, N.E., west of its intersection with Second Street, N.E., all as shown in Land Record No. 268, dated November 22, 1957, in the Office of the Surveyor, District of Columbia, in Book 138, Page 58.

“(iv) All sidewalks under the jurisdiction of the District of Columbia abutting on and contiguous to the land described in clauses (i), (ii), and (iii).

“(C) TRANSFERS TO DISTRICT OF COLUMBIA.—Jurisdiction over the following parcels is transferred to the Government of the District of Columbia:

“(i) That portion of New Jersey Avenue, N.W., between the northernmost point of the intersection of New Jersey Avenue, N.W., and D Street, N.W., and the northernmost point of the intersection of New Jersey Avenue, N.W., and Louisiana Avenue, N.W., between squares 631 and W632, which remains Federal property.

“(ii) That portion of D Street, N.W., between its intersection with New Jersey Avenue, N.W., and its intersection with Louisiana Avenue, N.W., between squares 630 and W632, which remains Federal property.

“(c) MISCELLANEOUS.—

“(1) COMPLIANCE WITH OTHER LAWS.—Compliance with this section shall be deemed to satisfy the requirements of all laws otherwise applicable to transfers of jurisdiction over parcels of Federal real property.

“(2) LAW ENFORCEMENT RESPONSIBILITY.—Law enforcement responsibility for the parcels of Federal real property for which jurisdiction is transferred by subsection (b) shall be assumed by the person acquiring such jurisdiction.

“(3) UNITED STATES CAPITOL GROUNDS.—

“(A) DEFINITION.—The first section of the Act entitled ‘An Act to define the United States Capitol Grounds, to regulate the use thereof, and for other purposes’, approved July 31, 1946 (40 U.S.C. 193a), is amended to include within the definition of the United States Capitol Grounds the parcels of Federal real property described in subsection (b)(2)(B).

“(B) JURISDICTION OF CAPITOL POLICE.—The United States Capitol Police shall have jurisdiction over the parcels of Federal real property described in subsection (b)(2)(B) in accordance with section 9 of such Act of July 31, 1946 (40 U.S.C. 212a).

“(4) EFFECT OF TRANSFERS.—A person relinquishing jurisdiction over a parcel of Federal real property transferred by subsection (b) shall not retain any interest in the parcel except as specifically provided by this section.”

Pub. L. 97-379, Dec. 22, 1982, 96 Stat. 1935, provided: “That section 1 of the Act of July 31, 1946, as amended (40 U.S.C. 193a), is amended to include within the definition of the United States Capitol Grounds the following additional areas which are situated as follows:

“(1) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia located on the south side of Pennsylvania Avenue, Northwest, between the west curb of First Street, Northwest and the east curb of Third Street, Northwest.

“(2) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia located on the north side of Maryland Avenue, Southwest, between the west curb of First Street, Southwest and the east curb of Third Street, Southwest.

“(3) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia located on the west side of First Street between the south curb of Pennsylvania Avenue, Northwest and the north curb of Maryland Avenue, Southwest.

“(4) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia located on the east side of Third Street between the south curb of Pennsylvania Avenue, Northwest and the north curb of Maryland Avenue, Southwest.”

Section 1 of Pub. L. 96-432 provided: “That section 1 of the Act of July 31, 1946, as amended (40 U.S.C. 193a), is amended to include within the definition of the United States Capitol Grounds the following additional areas and portions of streets which are situated as follows:

“(1) that portion of D Street Northeast from the east curb of Second Street Northeast to the east curb of First Street Northeast;

“(2) that portion of Second Street Northeast and Southeast from the south curb of F Street Northeast to the south curb of C Street Southeast;

“(3) that portion of Constitution Avenue Northeast from the east curb of Second Street Northeast to the east curb of First Street Northeast;

“(4) that portion of Pennsylvania Avenue Northwest from the west curb of First Street Northwest to the east curb of Third Street Northwest;

“(5) that portion of Maryland Avenue Southwest from the west curb of First Street Southwest to the east curb of Third Street Southwest;

“(6) that portion of Constitution Avenue Northwest from the east curb of Second Street Northwest to the east curb of Third Street Northwest;

“(7) that portion of Independence Avenue Southwest from the west curb of First Street Southwest to the east curb of Third Street Southwest;

“(8) that portion of Maryland Avenue Northeast from the east curb of Second Street Northeast to the east curb of First Street Northeast;

“(9) that portion of East Capitol Street from the east curb of Second Street Southeast to the east curb of First Street Southeast;

“(10) that portion of Independence Avenue Southeast from the east curb of Second Street Southeast to the east curb of First Street Southeast;

“(11) that portion of C Street Southeast from the east curb of Second Street Southeast to the east curb of First Street Southeast;

“(12) that portion of North Capitol Street from the south curb of Massachusetts Avenue to the north curb of Louisiana Avenue;

“(13) that portion of New Jersey Avenue Northwest from the north curb of D Street Northwest to the north curb of Louisiana Avenue;

“(14) that portion of Second Street Southwest from the north curb of D Street to the south curb of Virginia Avenue Southwest;

“(15) that portion of Virginia Avenue Southwest from the east curb of Second Street Southwest to the west curb of Third Street Southwest;

“(16) that portion of Third Street Southwest from the south curb of Virginia Avenue Southwest to the north curb of D Street Southwest;

“(17) that portion of D Street Southwest from the west curb of Third Street Southwest to the east curb of Second Street Southwest;

“(18) that portion of Canal Street Southwest, including sidewalks and traffic islands, from the south curb of Independence Avenue Southwest to the west curb of South Capitol Street; and

“(19) all that area contiguous to, and surrounding, square numbered 724 from the property line thereof to the contiguous curb;

“(20) those areas contiguous to, and surrounding, the areas comprising the grounds of the United States Bo-

tanic Garden from the property line of such grounds to the contiguous curb;

“(21) all that area contiguous to, and surrounding, the structures comprising the United States Capitol Power Plant, from the building lines of such structures to the contiguous curbs; and

“(22) all that area contiguous to, and surrounding, square numbered 581 from the property line thereof to the contiguous curb.”

Pub. L. 93-198, title VII, §739(g)(3), Dec. 24, 1973, 87 Stat. 828, effective Jan. 2, 1975, [title IV of Pub. L. 93-198 having been accepted by a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum conducted May 8, 1974], provided in part that the definition of United States Capitol Grounds should include the following streets: Independence Avenue from the west curb of First Street S.E. to the east curb of First Street S.W., New Jersey Avenue S.E. from the south curb of Independence Avenue to the north curb of D Street S.E., South Capitol Street from the south curb of Independence Avenue to the north curb of D Street; Delaware Avenue S.W. from the south curb of C Street S.W. to the North Curb of D Street S.W., C Street from the west curb of First Street S.E. to the intersection of First and Canal Streets, S.W., D Street from the west curb of First Street S.E. to the intersection of Canal Street and Delaware Avenue S.W., that part of First Street lying west of the outer face of the curb of the sidewalk on the east side thereof from D Street, N.E. to D Street S.E., that part of First Street within the east and west curblines thereof extending from the north side of Pennsylvania Avenue N.W. to the intersection of C Street and Canal Street S.W., including the two circles within such area, but that nothing in the inclusion of such streets should be construed as repealing, or otherwise altering, modifying, affecting, or superseding those provisions of law in effect prior to the vesting of authority in the United States Supreme Court police and Library of Congress police by title IV of Pub. L. 93-198 to make arrests in adjacent streets, including First Street N.E. and First Street S.E.

JURISDICTION OF THE CAPITOL POLICE BOARD AND THE ARCHITECT OF THE CAPITOL

Section 3 of Pub. L. 96-432 provided that: “On and after the effective date of this section [see Effective Date of 1980 Amendment note set out above], that portion of C Street Northeast from the west curb of Second Street Northeast to the east curb of First Street Northeast shall be under the exclusive jurisdiction and control of the Capitol Police Board and the Architect of the Capitol in the same manner and to the same extent as such Board or the Architect of the Capitol has over other streets comprising the United States Capitol Grounds, and the Architect of the Capitol shall be responsible for the maintenance and improvement thereof.”

UNITED STATES SUPREME COURT AND LIBRARY OF CONGRESS; JURISDICTIONAL BOUNDARIES

Section 6(a), (b) of Pub. L. 96-432 provided that:

“(a) Notwithstanding any other provisions of this Act [enacting section 212a-1 of this title, amending this section, and enacting provisions set out as notes under sections 193a and 193d of this title], with respect to those squares occupied by the United States Supreme Court and the Library of Congress, those streets or portions thereof referred to in the first section of this Act [set out as a note above] which surround such squares shall be considered a part of the Capitol Grounds only to the face of the curbs contiguous to such squares.

“(b) Nothing in this Act shall be construed as repealing, or otherwise altering, modifying, affecting, or superseding those provisions of law in effect on the date immediately preceding the date of the enactment of this Act [Oct. 10, 1980] vesting authority in the United States Supreme Court Police and the Library of Congress Police to make arrests in adjacent streets.”

ARCHITECT OF THE CAPITOL; ACQUISITION OF ADDITIONAL PROPERTY

Pub. L. 97-12, title I, June 5, 1981, 95 Stat. 64, provided in part: “That upon acquisition of such real property pursuant to this paragraph [incorporating by reference the provisions of Pub. L. 96-432, Oct. 10, 1980, 94 Stat. 1851, which related to the acquisition of property in squares 693, 640, and 582 in the District of Columbia], the structure located on lot 801 of square 693 shall become a part of the House Office Buildings, subject to the provisions of the Act of July 31, 1946 (40 U.S.C. secs. 193a through 193m, [207a.] 212a[, 212a-2, 212a-3.] and 212b), including any amendments thereto, which are applicable to the Capitol Buildings, and to the Act of March 4, 1907 (40 U.S.C. 175).”

Sections 7-10 of Pub. L. 96-432 provided that:

“SEC. 7. (a) The Architect of the Capitol, under the direction of the House Office Building Commission, is hereby authorized to acquire, on behalf of the United States, by purchase, condemnation, transfer, or otherwise, for addition to the United States Capitol Grounds, all publicly or privately owned property contained in lot 49 in square 582; lot 70 in square 640; and lots 1, 2, 67, 79, 80, 800, 801, 807, 814 through 822, and 834 in square 693 in the District of Columbia (including all alleys or parts of alleys and streets within the lotlines and curblines surrounding such real property): *Provided*, That upon the acquisition of any such real property by the Architect of the Capitol on behalf of the United States, such property shall be subject to the provisions of the Act of July 31, 1946 (60 Stat. 718) [sections 193a to 193m, 207a, 212a, 212a-2, 212a-3, and 212b of this title] as amended in the same manner and to the same extent as all other areas comprising the United States Capitol Grounds.

“(b) For the purposes of this section the properties authorized to be acquired hereunder, shall be deemed to extend to the outer face of the curbs of the squares in which they are located.

“(c) There is hereby authorized to be appropriated to the Architect of the Capitol for the fiscal year ending September 30, 1981, the sum of \$11,500,000 for the purpose of carrying out the provisions of this section, said appropriation to remain available until expended.

“SEC. 8. The acquisition of real property under this Act [enacting section 212a-1 of this title, amending this section, and enacting provisions set out as notes under sections 193a and 193d of this title] shall be conducted in accordance with the Act entitled ‘Uniform Relocation Assistance and Land Acquisition Policies Act of 1970’, Public Law 91-646, approved January 2, 1971 [42 U.S.C. 4601 et seq.], and any proceeding for condemnation brought in its course shall be conducted in accordance with the Act entitled ‘An Act to provide for the acquisition of land in the District of Columbia for the use of the United States’, approved March 1, 1929 (16 D.C. Code, secs. 1351-1368).

“SEC. 9. The Architect of the Capitol is authorized to enter into contracts and to make expenditures for grading and paving and such other expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of section 7 of this Act.

“SEC. 10. Any contract entered into pursuant to this Act or pursuant to any amendment made by this Act shall be effective only to such extent and in such amounts as may be provided in advance in an appropriation Act.”

SOUND AND LIGHT PERFORMANCE FOR THE RE-CREATION OF THE EVOLUTION OF AMERICAN HISTORY

Pub. L. 93-226, Dec. 29, 1973, 87 Stat. 943, provided:

“[SEC. 1. Study and report by the United States Capitol Historical Society on the desirability and feasibility of sound and light performance for the re-creation of the evolution of American History] That, notwithstanding any other provision of law, the United States Capitol Historical Society is authorized, under direction of the Architect of the Capitol, to prepare a fea-

sibility study to determine the desirability of installing within the United States Capitol Grounds, at the east front of the United States Capitol, all items of equipment and other facilities required for a sound and light performance, consisting of an interplay of light, music, narrative, and sound effects (without the use of live actors), which, when projected onto the imposing facade of the east front of the United States Capitol, will re-create the evolution of American history, based on a foundation of thorough historical research, subject to the following conditions:

“(1) Such study and all expenditures connected therewith will be borne by the United States Capitol Historical Society.

“(2) Upon completion of such study, the United States Capitol Historical Society, at its expense, will furnish the Architect of the Capitol a report detailing the results of such study, installations, and programs proposed, and estimates of cost required to implement such project without expense to the United States, including maintenance and operating expenses.

“(3) The project may not be implemented, beyond the report stage, except as provided in section 2 hereof.

“SEC. 2. [Review of the report by the Architect of the Capitol and recommendations to Congressional Officials; implementation of the project] The Architect of the Capitol shall review such report and submit the same, with his recommendations, to the Speaker and majority and minority leaders of the House of Representatives and to the United States Senate Commission on Art and Antiquities.

“If the project, as presented, with or without modifications, meets with the approval of such House and Senate officials, the Architect of the Capitol, notwithstanding any other provision of law, is authorized after such approval—

“(1) To accept in the name of the United States from the United States Capitol Historical Society, as a gift, such sum or sums as may be required to further implement such project, and such sum or sums when received, shall be credited as an addition to the appropriation account ‘Capitol Buildings, Architect of the Capitol’.

“(2) Subject to section 3 hereof, to expend such sum or sums for all items of equipment and other facilities required for the sound and light performance, and for any other items in connection therewith.

“SEC. 3. [Authority to enter into contracts and make payments] The Architect of the Capitol, under the direction of the House and Senate officials designated in section 2 hereof, is authorized to enter into contracts and to incur such other obligations and make such expenditures as may be necessary to carry out the provisions of said section 2.

“SEC. 4. [Availability and use of appropriated funds] Sums received under this joint resolution, when credited as an addition to the appropriation account ‘Capitol Buildings, Architect of the Capitol’, shall be available for expenditure and shall remain available until expended. Following completion of the installation, such sums may thereafter be used by the Architect of the Capitol, in whole or in part, to defray any expenses which he may incur for maintenance and operation.”

CONSTRUCTION

Act July 31, 1946, ch. 707, §16(b), 60 Stat. 721, provided that: “Nothing in this Act [enacting sections 193a to 193m, 212a, and 212b of this title and provisions set out as a note under section 193h of this title] shall be construed to repeal, amend, alter, or supersede (1) section 1820 of the Revised Statutes (U.S.C., title 40, sec. 193); (2) an Act entitled ‘An Act to protect the public property, turf, and grass of the Capitol Grounds from injury’, approved April 29, 1876 (19 Stat. 41; U.S.C., title 40, sec. 214); (3) except as provided in section 9 of this Act [40 U.S.C. 212a], section 15 of an Act entitled ‘An Act for the preservation of the public peace and the protection of property within the District of Columbia’,

approved July 29, 1892 (27 Stat. 325; U.S.C., title 40, sec. 101); (4) the second proviso in the item ‘Capitol garages’ under the caption ‘Capitol Buildings and Grounds’ contained in an Act entitled ‘An Act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes’, approved June 30, 1932 (47 Stat. 382, 391; U.S.C., title 40, sec. 185a); or (5) an Act entitled ‘An Act to authorize the use of part of the United States Capitol Grounds east of the Union Station for the parking of motor vehicles’, approved July 8, 1943 (57 Stat. 390).”

ADDITIONS TO UNITED STATES CAPITOL GROUNDS SUBSEQUENT TO JUNE 25, 1946

John W. McCormack Residential Page School, United States Capitol Grounds provisions applicable, see section 184a of this title.

Green park area use pending development for permanent page school use, subject to United States Capitol Grounds provisions, see section 508 of Pub. L. 92-607, ch. V, Oct. 31, 1972, 86 Stat. 1512, set out as a note under section 184a of this title.

Senate Parking Facilities Site, acquisition of real property as site for parking facilities of Senate, subject to United States Capitol Grounds provisions, see section 508 of Pub. L. 92-607, ch. V, Oct. 31, 1972, 86 Stat. 1512, set out as a note under section 174b-1 of this title.

ACQUISITION OF PROPERTY FOR ADDITIONS TO UNITED STATES CAPITOL GROUNDS

Pub. L. 85-429, May 29, 1958, 72 Stat. 148 and Pub. L. 85-591, Aug. 6, 1958, 72 Stat. 495, in part authorized the Architect of the Capitol to acquire certain real property for additions to United States Capitol Grounds.

ORDER OF THE HOUSE OFFICE BUILDING COMMISSION

October 17, 1967

WHEREAS, under authority of Section 1202 of Public Law 24, 84th Congress (69 Stat. 41), approved April 22, 1955, known as the “Additional House Office Building Act of 1955”, the Architect of the Capitol, at the direction of the House Office Building Commission, acquired during the period of 1955 to 1960, on behalf of the United States, by condemnation, seven squares in the District of Columbia, located south of Independence Avenue, in the vicinity of the United States Capitol Grounds, as a site for an additional office building and other necessary facilities for the House of Representatives and for additions to the United States Capitol Grounds;

WHEREAS, under the aforesaid authority, the Architect of the Capitol, at the direction of the Commission, acquired in 1965 on behalf of the United States, through transfer from the Redevelopment Land Agency, Square 639, also located south of Independence Avenue, for an addition to the United States Capitol Grounds;

WHEREAS, the aforesaid eight squares are identified and bound as follows: *Square 635*, bounded on the north by Independence Avenue, on the east by Delaware Avenue, on the west by First Street, on the south by C Street; *Square 637*, bounded on the north by C Street, on the east by South Capitol Street, on the west by Delaware Avenue, on the south by D Street; *Square South of 635*, bounded on the north by C Street, on the east by Delaware Avenue, on the west and south by Canal Street; *Square 691*, bounded on the north by C Street, on the east by New Jersey Avenue, on the west by South Capitol Street, on the south by D Street; *Square 692*, bounded on the north by C Street, on the east by First Street, on the west by New Jersey Avenue, on the south by D Street; *Square 732 north*, bounded on the north by Independence Avenue, on the east by Second Street, on the west by First Street, on the south by Carroll Street; *Square 732 south*, bounded on the north by Carroll Street, on the east by Second Street, on the west by First Street, on the south by C Street; and *Square 639*, bounded on the north by D Street, on the east by South Capitol Street, on the west and south by Canal Street;

WHEREAS, title to all real property in these 8 squares is now vested in fee simple absolute in the United States of America;

WHEREAS, subsequent to acquisition of these 8 squares, under the aforesaid authority, all alleys in these squares were closed and vacated, as were also Delaware Avenue between Independence Avenue and C Street and Carroll Street between First and Second Streets, by the Commissioners of the District of Columbia, and all areas between the property lines and outer faces of curbs surrounding these squares and Square 636 were transferred from the jurisdiction of the Commissioners of the District of Columbia to the jurisdiction of the Architect of the Capitol;

WHEREAS, the Rayburn House Office Building has been constructed on Squares 635 and 636 (the latter square being already owned by the government and having been combined with Square 635 as a site for this building under the aforesaid authority), and the said building is now maintained by the Architect of the Capitol as a part of the House Office Buildings, and the sidewalks and other paved and grassed areas surrounding this building are now maintained as part of the Capitol Grounds;

WHEREAS, underground garages for the House of Representatives have been constructed in Squares 637 and 691 and are now maintained by the Architect of the Capitol as part of the House Office Buildings, and the areas above these garages have been landscaped as a part of the Capitol Grounds;

WHEREAS, Squares South of 635 and 639 have been developed as parking lots for automobiles for Members and employees of the House and are now maintained as part of the Capitol Grounds;

WHEREAS, part of Square 692 is occupied by the Congressional Hotel, acquired by the Architect of the Capitol under the aforesaid authority and leased to the Knott Hotels Corporation for use as a hotel, and the remainder of this square has been converted into a parking lot for automobiles for Members and employees of the House and is now maintained as a part of the Capitol Grounds;

WHEREAS, Squares 732 north and south were acquired as an addition to the Capitol Grounds, are now maintained as part of the Capitol Grounds, and will continue to be so maintained until such time as required for construction thereon of the Library of Congress James Madison Memorial Building, authorized by Public Law 89-260, approved October 19, 1965;

WHEREAS, the aforesaid Additional House Office Building Act provides, in pertinent part, with respect to these properties, as follows:

“* * * At such time or times as may be fixed by order of the House Office Building Commission, (1) any real property acquired under, or made available for the purposes of, this chapter shall become part of the United States Capitol Grounds and subject to the Act entitled ‘An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes’, approved July 31, 1946 (40 U.S.C., secs. 193a—193m, [207a.] 212a, [212a-2, 212a-3.] and 212b), and (2) the building and all facilities constructed pursuant to section 1201 of this chapter shall become subject to such Act approved July 31, 1946, and to the provisions of law relating to the control, supervision, and care of the House Office Building contained in the Act approved Mar. 4, 1907, as amended (40 U.S.C., sec. 175).”

NOW, THEREFORE, in formal compliance with the aforesaid provisions of the Additional House Office Building Act, the House Office Building Commission, in confirmation of actions heretofore taken by the Commission, hereby orders:

1. The Rayburn House Office Building, the subway connecting such building to the Capitol Building, the pedestrian tunnels connecting such building to the Longworth House Office Building, the underground garages in Squares 637 and 691 and the tunnels connecting these garages to the House Office Buildings, are hereby declared to be House Office Buildings and, as such, are hereby made subject to those provisions of the Act of July 31, 1946 (40 U.S.C., secs. 193a to 193m,

[207a.] 212a, [212a-2, 212a-3.] and 212b), including any amendments to such Act, which are applicable to the Capitol Buildings, and to the Act of Mar. 4, 1907 (40 U.S.C. 175).

2. All other real property acquired by the Architect of the Capitol under authority of the Additional House Office Building Act is hereby declared to be part of the United States Capitol Grounds and is hereby made subject to the Act of July 31, 1946 (40 U.S.C., secs. 193a to 193m, [207a.] 212a, [212a-2, 212a-3.] and 212b), including any amendments to such Act.
3. Nothing herein shall be construed to contravene (a) the provisions of Public Law 89-260 authorizing the future use of Squares 732 north and south as a site for the Library of Congress James Madison Memorial Building; or (b) the authority delegated by the House Office Building Commission to the Select House Committee under authority of H. Res. 514, 90th Congress, pertaining to the direction and supervision of the use and operation of the four House Garages and outdoor parking lots.
4. This order shall become effective immediately.

HOUSE OFFICE BUILDING COMMISSION

JOHN W. MCCORMACK, *Chairman.*
EMANUEL CELLER, *Member.*
CHARLES E. GOODELL, *Member.*

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71a, 136, 174b-1, 184a, 193h, 193i, 193k, 193l, 193m, 210, 212a, 212c of this title.

§ 193b. Public use of Capitol Grounds

Public travel in and occupancy of said United States Capitol Grounds shall be restricted to the roads, walks, and places prepared for that purpose by flagging, paving, or otherwise.

(July 31, 1946, ch. 707, § 2, 60 Stat. 718.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b-1, 184a, 193h, 193i, 193j, 193k, 193l, 193m, 212a, 212c of this title.

§ 193c. Obstruction of roads; conveyance of goods or merchandise; Capitol Grounds

It is forbidden to occupy the roads in said United States Capitol Grounds in such manner as to obstruct or hinder their proper use, or to use the roads in the area of said United States Capitol Grounds, south of Constitution Avenue and B Street and north of Independence Avenue and B Street, for the conveyance of goods or merchandise, except to or from the Capitol on Government service.

(July 31, 1946, ch. 707, § 3, 60 Stat. 718.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b-1, 184a, 193h, 193i, 193j, 193k, 193l, 193m, 212a, 212c of this title.

§ 193d. Sale of articles; signs; solicitation; Capitol Grounds

It is forbidden to offer or expose any article for sale in said United States Capitol Grounds; to display any sign, placard, or other form of advertisement therein; to solicit fares, alms, subscriptions, or contributions therein.

(July 31, 1946, ch. 707, § 4, 60 Stat. 718.)

RELOCATION OF VENDORS; TEMPORARY SUSPENSION OF PROHIBITION OF SALE OF ARTICLES, ETC.

Pub. L. 96-432, § 6(c), Oct. 10, 1980, 94 Stat. 1853, provided that, in order to provide a fair and reasonable

transition period in which to permit the orderly relocation of those duly licensed vendors operating, as of Oct. 10, 1980, on those portions of Pennsylvania Avenue Northwest, and Maryland Avenue Southwest, hereby included in the definition of United States Capitol Grounds pursuant to section 1(4) and (5) [of Pub. L. 96-432, set out as a note under section 193a of this title], so much of the prohibitions contained in section 4 of the law of July 31, 1946 (60 Stat. 718) [this section], as would prevent the use of those portions of Pennsylvania Avenue Northwest, and Maryland Avenue Southwest, for the offer and exposure of articles for sale, be suspended for a period not to exceed one year.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b-1, 174j-1, 184a, 193h, 193i, 193j, 193k, 193l, 193m, 212a, 212c, 1205 of this title; title 2 sections 121b-1, 121c, 121d.

§ 193e. Injuries to property; Capitol Grounds

It is forbidden to step or climb upon, remove, or in any way injure any statue, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant, or turf in said United States Capitol Grounds.

(July 31, 1946, ch. 707, § 5, 60 Stat. 718.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b-1, 184a, 193h, 193i, 193j, 193k, 193l, 193m, 212a, 212c of this title.

§ 193f. Capitol Grounds and Buildings security

(a) Firearms, dangerous weapons, explosives, or incendiary devices

It shall be unlawful for any person or group of persons—

(1) Except as authorized by regulations which shall be promulgated by the Capitol Police Board:

(A) to carry on or have readily accessible to the person of any individual upon the United States Capitol Grounds or within any of the Capitol Buildings any firearm, dangerous weapon, explosive, or incendiary device; or

(B) to discharge any firearm or explosive, to use any dangerous weapon, or to ignite any incendiary device, upon the United States Capitol Grounds or within any of the Capitol Buildings; or

(C) to transport by any means upon the United States Capitol Grounds or within any of the Capitol Buildings any explosive or incendiary device; or

(2) Knowingly, with force and violence, to enter or to remain upon the floor of either House of the Congress.

(b) Violent entry and disorderly conduct

It shall be unlawful for any person or group of persons willfully and knowingly—

(1) to enter or to remain upon the floor of either House of the Congress, to enter or to remain in any cloakroom or lobby adjacent to such floor, or to enter or to remain in the Rayburn Room of the House or the Marble Room of the Senate, unless such person is authorized, pursuant to rules adopted by that House or pursuant to authorization given by that House, to enter or to remain upon such floor or in such cloakroom, lobby, or room;

(2) to enter or to remain in the gallery of either House of the Congress in violation of rules governing admission to such gallery adopted by that House or pursuant to authorization given by that House;

(3) to enter or to remain in any room within any of the Capitol Buildings set aside or designated for the use of either House of the Congress or any Member, committee, subcommittee, officer, or employee of the Congress or either House thereof with intent to disrupt the orderly conduct of official business;

(4) to utter loud, threatening, or abusive language, or to engage in any disorderly or disruptive conduct, at any place upon the United States Capitol Grounds or within any of the Capitol Buildings with intent to impede, disrupt, or disturb the orderly conduct of any session of the Congress or either House thereof, or the orderly conduct within any such building of any hearing before, or any deliberations of, any committee or subcommittee of the Congress or either House thereof;

(5) to obstruct, or to impede passage through or within, the United States Capitol Grounds or any of the Capitol Buildings;

(6) to engage in any act of physical violence upon the United States Capitol Grounds or within any of the Capitol Buildings; or

(7) to parade, demonstrate, or picket within any of the Capitol Buildings.

(c) Exemption of Government officials

Nothing contained in this section shall forbid any act of any Member of the Congress, or any employee of a Member of the Congress, any officer or employee of the Congress or any committee or subcommittee thereof, or any officer or employee of either House of the Congress or any committee or subcommittee thereof, which is performed in the lawful discharge of his official duties.

(July 31, 1946, ch. 707, § 6, 60 Stat. 718; Pub. L. 87-571, Aug. 6, 1962, 76 Stat. 307; Pub. L. 90-108, § 1(b), Oct. 20, 1967, 81 Stat. 276.)

AMENDMENTS

1967—Pub. L. 90-108 struck out prohibition covering discharge of fireworks, ignition of combustibles, and making of harangues and orations, removed provisions making special allowance for use of construction tools actuated by or employing explosive charges, and inserted provisions prohibiting carrying or ready access to firearms, dangerous weapons, explosives, or incendiary devices upon the United States Capitol Grounds or within any of the Capitol Buildings, expanding area within which discharge of firearms or explosives are prohibited so as to include the interior of the Capitol Buildings, adding ignition of incendiary devices and use of dangerous weapons to list of acts prohibited within such areas, prohibiting transport of explosive or incendiary devices and knowing entry or stay with force and violence upon the floor of either House of Congress, prohibiting disorderly and disruptive conduct on the floor of either House of Congress, cloakrooms, adjacent lobbies, the Rayburn Room of the House or the Marble Room of the Senate, the gallery of either House, and Committee rooms, and excepting members and employees of the Congress in the lawful discharge of their official duties.

1962—Pub. L. 87-571 permitted use of tools actuated by or employing explosives in construction, if the tools are of a kind ordinarily used for such construction, the Architect of the Capitol has authorized their use after

determining they will not endanger life or safety, and such use is in accordance with his rules and regulations.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-108 effective Oct. 20, 1967, see section 3 of Pub. L. 90-108, set out as a note under section 193a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b-1, 184a, 193h, 193i, 193j, 193k, 193l, 193m, 212a, 212c of this title.

§ 193g. Parades or assemblages; display of flags; Capitol Grounds

It is forbidden to parade, stand, or move in processions or assemblages in said United States Capitol Grounds, or to display therein any flag, banner, or device designed or adapted to bring into public notice any party, organization, or movement, except as hereinafter provided in sections 193j and 193k of this title.

(July 31, 1946, ch. 707, § 7, 60 Stat. 719.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b-1, 184a, 193h, 193i, 193j, 193k, 193l, 193m, 212a, 212c of this title.

§ 193h. Prosecution and punishment of offenses

(a) Firearms, dangerous weapons, explosives, or incendiary device offenses

Any violation of section 193f(a) of this title, and any attempt to commit any such violation, shall be a felony punishable by a fine not exceeding \$5,000, or imprisonment not exceeding five years, or both.

(b) Other offenses

Any violation of section 193b, 193c, 193d, 193e, 193f(b), or 193g of this title, and any attempt to commit any such violation, shall be a misdemeanor punishable by a fine not exceeding \$500, or imprisonment not exceeding six months, or both.

(c) Procedure

Violations of sections 193a to 193m, 207a, 212a, 212a-2, 212a-3, and 212b of this title, including attempts or conspiracies to commit such violations, shall be prosecuted by the United States attorney or his assistants in the name of the United States. None of the general laws of the United States and none of the laws of the District of Columbia shall be superseded by any provision of said sections. Where the conduct violating said sections also violates the general laws of the United States or the laws of the District of Columbia, both violations may be joined in a single prosecution. Prosecution for any violation of section 193f(a) of this title or for conduct which constitutes a felony under the general laws of the United States or the laws of the District of Columbia shall be in the United States District Court for the District of Columbia. All other prosecutions for violations of said sections may be in the Superior Court of the District of Columbia. Whenever any person is convicted of a violation of said sections and of the general laws of the United States or the laws of the District of Columbia, in a prosecution under this subsection, the penalty which may be

imposed for such violation is the highest penalty authorized by any of the laws for violation of which the defendant is convicted.

(July 31, 1946, ch. 707, § 8, 60 Stat. 719; Pub. L. 88-60, §§ 1, 7, July 8, 1963, 77 Stat. 77, 78; Pub. L. 90-108, § 1(c), Oct. 20, 1967, 81 Stat. 277; Pub. L. 91-358, title I, § 155(a), July 29, 1970, 84 Stat. 570.)

AMENDMENTS

1967—Pub. L. 90-108 struck out provisions setting a blanket punishment of not exceeding \$100 or imprisonment not exceeding 60 days for offenses against sections 193b to 193g of this title, with prosecution for such offenses to be had in the District of Columbia Court of General Sessions upon information by the United States Attorney or any of his assistants and raising the imprisonment to not more than five years in cases where public property is damaged in an amount exceeding \$100 and inserted provisions dividing the offenses into felonies and misdemeanors with different punishments for each and setting out the procedures to be followed in the prosecution for such felonies or misdemeanors, including provisions when the conduct involved violates both the general laws of the United States and the District of Columbia in addition to sections 193a to 193m, 212a, 212a-2, and 212b, of this title.

CHANGE OF NAME

“District of Columbia Court of General Sessions” was changed to “Superior Court of the District of Columbia” pursuant to Pub. L. 91-358, which provides that such change is effective the first day of the seventh calendar month which begins after July 29, 1970.

“District of Columbia Court of General Sessions” was the designation given to the “Municipal Court for the District of Columbia” by Pub. L. 88-60, §§ 1, 7, July 8, 1963, 77 Stat. 77, 78, which provided that, eff. Jan. 1, 1963, whenever reference is made in any Act of Congress to the “Municipal Court for the District of Columbia”, such reference shall be held to be a reference to the “District of Columbia Court of General Sessions.”

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-108 effective Oct. 20, 1967, see section 3 of Pub. L. 90-108, set out as a note under section 193a of this title.

OFFENSES COMMITTED PRIOR TO JULY 31, 1946

Section 15 of act July 31, 1946, provided that: “Any violation of any of the provisions of said Acts hereby repealed [sections 194 to 205 and 213 of this title], occurring before the date of this repeal [July 31, 1946], may be prosecuted to the same extent as if this Act [enacting sections 193a to 193m, 207a, 212a, 212a-2, 212a-3, and 212b of this title] had not been enacted.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b-1, 184a, 193i, 193k, 193l, 193m, 212a, 212c of this title.

§ 193i. Assistance to authorities by Capitol employees

It shall be the duty of all persons employed in the service of the Government in the Capitol or in the United States Capitol Grounds to prevent, as far as may be in their power, offenses against sections 193a to 193m, 207a, 212a, 212a-2, 212a-3, and 212b of this title, and to aid the police, by information or otherwise, in securing the arrest and conviction of offenders.

(July 31, 1946, ch. 707, § 10, 60 Stat. 719.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b-1, 184a, 193h, 193k, 193l, 193m, 212a, 212c of this title.

§ 193j. Suspension of prohibitions against use of grounds

In order to admit of the due observance within the United States Capitol Grounds of occasions of national interest becoming the cognizance and entertainment of Congress, the President of the Senate and the Speaker of the House of Representatives, acting concurrently, are authorized to suspend for such proper occasions so much of the prohibitions contained in sections 193b to 193g of this title as would prevent the use of the roads and walks of the said grounds by processions or assemblages, and the use upon them of suitable decorations, music, addresses, and ceremonies: *Provided*, That responsible officers shall have been appointed, and arrangements determined which are adequate, in the judgment of said President of the Senate and Speaker of the House of Representatives, for the maintenance of suitable order and decorum in the proceedings, and for guarding the Capitol and its grounds from injury.

(July 31, 1946, ch. 707, § 11, 60 Stat. 719.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b-1, 184a, 193g, 193h, 193i, 193k, 193l, 193m, 212a, 212c of this title.

§ 193k. Power of Capitol Police Board to suspend prohibitions

In the absence from Washington of either of the officers, designated in section 193j of this title, the authority therein given to suspend certain prohibitions of sections 193a to 193m, 207a, 212a, 212a-2, 212a-3, and 212b of this title shall devolve upon the other, and in the absence from Washington of both it shall devolve upon the Capitol Police Board: *Provided*, That notwithstanding the provisions of sections 193g and 193j of this title, the Capitol Police Board is authorized to grant the Mayor of the District of Columbia authority to permit the use of Louisiana Avenue for any of the purposes prohibited by section 193g of this title.

(July 31, 1946, ch. 707, § 12, 60 Stat. 719; 1967 Reorg. Plan No. 3, § 401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title IV, § 421, Dec. 24, 1973, 87 Stat. 789.)

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3 of 1967, functions of Board of Commissioners of District of Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198. Accordingly, "Mayor" substituted in text for "commissioners".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b-1, 184a, 193g, 193h, 193i, 193l, 193m, 212a, 212c of this title.

§ 193l. Concerts on grounds

Nothing in sections 193a to 193k, 207a, 212a, 212a-2, and 212a-3, of this title shall be construed to prohibit the giving of concerts in the United States Capitol Grounds, at such times as will

not interfere with the Congress, by any band in the service of the United States, when and as authorized by the Architect of the Capitol.

(July 31, 1946, ch. 707, § 13, 60 Stat. 720.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b-1, 184a, 193h, 193i, 193k, 193m, 212a, 212c of this title.

§ 193m. Definitions

As used in sections 193a to 193m, 207a, 212a, 212a-2, 212a-3, and 212b of this title—

(1) The term "Capitol Buildings" means the United States Capitol, the Senate and House Office Buildings and garages, the Capitol Power Plant, all subways and enclosed passages connecting two or more of such structures, and the real property underlying and enclosed by any such structure.

(2) The term "firearm" shall have the same meaning as when used in section 901(3) of title 15.

(3) The term "dangerous weapon" includes all articles enumerated in section 14(a) of the Act of July 8, 1932 (47 Stat. 654, as amended; D.C. Code, sec. 22-3214(a)) and also any device designed to expel or hurl a projectile capable of causing injury to persons or property, daggers, dirks, stilettoes, and knives having blades over three inches in length.

(4) The term "explosive" shall have the same meaning as when used in section 121(1) of title 50.

(5) The term "act of physical violence" means any act involving (1) an assault or any other infliction or threat of infliction of death or bodily harm upon any individual, or (2) damage to or destruction of any real property or personal property.

(July 31, 1946, ch. 707, § 16(a), 60 Stat. 721; Pub. L. 90-108, § 1(d), Oct. 20, 1967, 81 Stat. 277.)

REFERENCES IN TEXT

Section 901(3) of title 15, referred to in par. (2), was repealed by Pub. L. 90-351, title IX, § 906, June 19, 1968, 82 Stat. 234. For regulation of firearms, see chapter 44 (§ 921 et seq.) of Title 18, Crimes and Criminal Procedure.

The Act of July 8, 1932, referred to in par. (3), is act July 8, 1932, ch. 465, 47 Stat. 650, as amended, which is not classified to the Code.

Section 121 of title 50, referred to in par. (4), was repealed by Pub. L. 91-452, title XI, § 1106(a), Oct. 15, 1970, 84 Stat. 960. For regulation of explosives, see chapter 40 (§ 841 et seq.) of Title 18.

CODIFICATION

Section is comprised of subsection (a) of section 16 of act of July 31, 1946. Subsection (b) of section 16 is set out as a note under section 193a of this title.

AMENDMENTS

1967—Pub. L. 90-108 struck out provision exempting inside of Capitol Buildings from applicability of sections 193a to 193l, 212a, 212a-2, and 212b of this title, enlarged definition of "Capitol Buildings" to include garages, subways and enclosed passages and the real property underlying and enclosed by certain enumerated structures, and defined "firearm", "dangerous weapon", "explosive", and "act of physical violence".

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-108 effective Oct. 20, 1967, see section 3 of Pub. L. 90-108, set out as a note under section 193a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71a, 136, 174b-1, 184a, 193h, 193i, 193k, 210, 212a, 212c of this title.

§ 193m-1. Audit for private organizations conducting activities or performing services in or on United States Capitol Buildings or Grounds; report to Congress

Any private organization, except political parties and committees constituted for election of Federal officials, whether or not organized for profit and whether or not any of its income inures to the benefit of any person, which performs services or conducts activities in or on the United States Capitol Buildings or Grounds, as defined by or pursuant to law, shall be subject, for each year in which it performs such services or conducts such activities, to a special audit of its accounts which shall be conducted by the General Accounting Office. The results of such audit shall be reported by the Comptroller General to the Senate and House of Representatives.

(Pub. L. 91-510, title IV, § 451(a), Oct. 26, 1970, 84 Stat. 1193.)

EFFECTIVE DATE

Section effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91-510, set out as an Effective Date of 1970 Amendment note under section 72a of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1205 of this title; title 36 section 220314.

§ 193n. Smithsonian Institution; policing of buildings and grounds

Subject to section 5375 of title 5, the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, and the Trustees of the John F. Kennedy Center for the Performing Arts, or their authorized representatives, may designate employees of their respective agencies as special policemen, without additional compensation for duty in connection with the policing of the respective buildings and grounds specified in section 193v of this title.

(Oct. 24, 1951, ch. 559, § 1, 65 Stat. 634; Pub. L. 91-34, § 2(c), June 30, 1969, 83 Stat. 41; Pub. L. 104-134, title I, § 101(c) [title II], Apr. 26, 1996, 110 Stat. 1321-156, 1321-193; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327.)

CODIFICATION

Reference to section 5375 of title 5 substituted in text for section 5365 of title 5 on authority of Pub. L. 95-454, § 801(a)(3)(A)(ii), Oct. 13, 1978, 92 Stat. 1221, which redesignated sections 5361 through 5365 of title 5 as sections 5371 through 5375 of title 5.

AMENDMENTS

1996—Pub. L. 104-134 substituted “Institution, the Trustees of the National Gallery of Art, and the Trustees of the John F. Kennedy Center for the Performing Arts,” for “Institution and the Trustees of the National Gallery of Art.”

1969—Pub. L. 91-34 inserted provision that appointive power of Secretary and Trustees be subject to section 5365 of title 5.

EFFECTIVE DATE OF 1969 AMENDMENT

Amendment by Pub. L. 91-34 effective at beginning of first pay period which commences on or after June 30,

1969, see section 3(a) of Pub. L. 91-34, set out as an Effective Date note under section 5375 of Title 5, Government Organization and Employees.

REDUCTION OF BASIC PAY RATE

Rate of basic pay not to be reduced by reason of the enactment of Pub. L. 91-34, which amended this section, see section 3(b) of Pub. L. 91-34, set out as a note under section 5375 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 193t, 193v, 193r, 193x of this title.

§ 193o. Public use of Smithsonian grounds

Public travel in and occupancy of the specified grounds is restricted to the sidewalks and other paved surfaces, except in the National Zoological Park.

(Oct. 24, 1951, ch. 559, § 2, 65 Stat. 634.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 193r, 193s, 193t, 193u, 193v, 193x of this title.

§ 193p. Sale of articles; signs; solicitation; Smithsonian grounds

It shall be unlawful for anyone other than an authorized employee or concessionaire to offer or expose any article for sale within the specified buildings or grounds; or to display any sign, placard, or other form of advertisement; or to solicit alms, subscriptions, or contributions therein.

(Oct. 24, 1951, ch. 559, § 3, 65 Stat. 634.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 193r, 193s, 193t, 193u, 193v, 193x of this title.

§ 193q. Injury to property; Smithsonian grounds

It shall be unlawful for anyone other than an authorized employee to touch or handle objects of art or scientific or historical objects on exhibition, or for anyone to step or climb upon, remove, or in any way injure any object of art, exhibit, including exhibit animals, equipment, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant, or turf, within the specified buildings or grounds.

(Oct. 24, 1951, ch. 559, § 4, 65 Stat. 634.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 193r, 193s, 193t, 193u, 193v, 193x of this title.

§ 193r. Additional protective regulations; publication; Smithsonian grounds

(a) In addition to the restrictions and requirements specified in sections 193o to 193q of this title, the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, and the Trustees of the John F. Kennedy Center for the Performing Arts, may prescribe for their respective agencies such regulations as are deemed necessary for the adequate protection of the specified buildings and grounds and of persons and property therein, and for the maintenance of suitable order and decorum

within the specified buildings and grounds, including the control of traffic and parking of vehicles in the National Zoological Park and all other areas in the District of Columbia under their control.

(b) All regulations promulgated under the authority of this section shall be printed in the Federal Register and shall not become effective until the expiration of ten days after the date of such publication.

(Oct. 24, 1951, ch. 559, §5, 65 Stat. 634; Pub. L. 88-391, §1, Aug. 1, 1964, 78 Stat. 365; Pub. L. 103-279, §9(a), July 21, 1994, 108 Stat. 1416.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-279 substituted “Institution, the Trustees of the National Gallery of Art, and the Trustees of the John F. Kennedy Center for the Performing Arts,” for “Institution and the Trustees of the National Gallery of Art”.

1964—Subsec. (a). Pub. L. 88-391 inserted “and all other areas in the District of Columbia under their control”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 193s, 193t, 193v of this title.

§ 193s. Prosecution and punishment; Smithsonian grounds

Whoever violates any provision of sections 193o to 193q of this title, or any regulation prescribed under section 193r of this title, shall be fined not more than \$100 or imprisoned not more than sixty days, or both, prosecution for such offenses to be had in the Superior Court of the District of Columbia, upon information by the United States attorney or any of his assistants: *Provided*, That in any case where, in the commission of such offense, property is damaged in an amount exceeding \$100, the amount of the fine for the offense may be not more than \$5,000, the period of imprisonment for the offense may be not more than five years and prosecution shall be had in the United States District Court for the District of Columbia by indictment, or if the defendant, after he has been advised of the nature of the charge and of his rights, waives in open court prosecution by indictment, by information by the United States attorney or any of his assistants.

(Oct. 24, 1951, ch. 559, §6, 65 Stat. 635; Pub. L. 87-873, §1, Oct. 23, 1962, 76 Stat. 1171; Pub. L. 88-60, §1, July 8, 1963, 77 Stat. 77; Pub. L. 91-358, title I, §155(a), July 29, 1970, 84 Stat. 570.)

CHANGE OF NAME

“District of Columbia Court of General Sessions” substituted for “Municipal Court for the District of Columbia” pursuant to Pub. L. 87-873 and Pub. L. 88-60 which both redesignated “Municipal Court for the District of Columbia” as “District of Columbia Court of General Sessions”. “District of Columbia Court of General Sessions” changed to “Superior Court of the District of Columbia” pursuant to Pub. L. 91-358, which provides that such change is effective first day of seventh calendar month which begins after July 29, 1970.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 193v of this title.

§ 193t. Police power; Smithsonian grounds

The special police provided for in section 193n of this title shall have the power, within the

specified buildings and grounds, to enforce and make arrests for violations of any provision of sections 193o to 193q of this title, of any regulation prescribed under section 193r of this title, or of any law of the United States or of any State or any regulation promulgated pursuant thereto, and they may be furnished, without charge, with uniforms and such other equipment as may be necessary for the proper performance of their duties, including badges, revolvers, and ammunition.

(Oct. 24, 1951, ch. 559, §7, 65 Stat. 635; Pub. L. 88-391, §2, Aug. 1, 1964, 78 Stat. 365.)

AMENDMENTS

1964—Pub. L. 88-391 authorized furnishing without charge of uniforms and other necessary equipment including badges, revolvers, and ammunition.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 193v of this title.

§ 193u. Suspension of regulations; Smithsonian grounds

In order to permit authorized services, training programs, and ceremonies within the specified buildings and grounds, the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, the Trustees of the John F. Kennedy Center for the Performing Arts, or their designated representatives may suspend for their respective agencies so much of the prohibitions contained in sections 193o to 193q of this title as may be necessary for the occasion or circumstance, but only if responsible officers shall have been appointed, and arrangements determined which are adequate, in the judgment of the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, the Trustees of the John F. Kennedy Center for the Performing Arts, or their designees, for the maintenance of suitable order and decorum in the proceedings, and for the protection of the specified buildings and grounds and of persons and property therein.

(Oct. 24, 1951, ch. 559, §8, 65 Stat. 635; Pub. L. 103-279, §9(b), July 21, 1994, 108 Stat. 1416.)

AMENDMENTS

1994—Pub. L. 103-279 substituted “the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, the Trustees of the John F. Kennedy Center for the Performing Arts, or” for “the Secretary of the Smithsonian Institution or the Trustees of the National Gallery of Art or” in two places.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 193v of this title.

§ 193v. “Buildings and grounds” defined

For the purpose of sections 193n to 193x of this title “buildings and grounds” shall mean—

(1) The Smithsonian Institution and its grounds which shall be construed to include the following:

(A) the Smithsonian Building, the Arts and Industries Building, the Freer Gallery of Art Building, the Air and Space Building, the Museum of Natural History, the National Museum of American History Building, and all other buildings of the Smith-

sonian Institution within the Mall, including the entrance walks, unloading areas, and other pertinent service roads and parking areas;

(B) the National Zoological Park comprising all the buildings, streets, service roads, walks, and other areas within the boundary fence of the National Zoological Park in the District of Columbia and including the public space between the said fence and the face of the curb lines of the adjacent city streets; and

(C) all buildings, service roads, walks, and other areas within the exterior boundaries of any real estate or land or interest in land (including temporary use) which shall hereafter be acquired by the Smithsonian Institution by gift, purchase, exchange of Government-owned land, or otherwise, when determined by the Secretary of the Institution to be necessary for the adequate protection of persons or property therein and suitable for administration as a part of the Smithsonian Institution.

(2) The National Gallery of Art and its grounds, which shall be held to extend (A) to the line of the face of the south curb of Constitution Avenue Northwest, between Seventh Street Northwest, and Fourth Street Northwest, to the line of the face of the west curb of Fourth Street Northwest, between Constitution Avenue Northwest, and Madison Drive Northwest; to the line of the face of the north curb of Madison Drive Northwest, between Fourth Street Northwest, and Seventh Street Northwest; and to the line of the face of the east curb of Seventh Street Northwest, between Madison Drive Northwest, and Constitution Avenue Northwest; (B) to the line of the face of the south curb of Pennsylvania Avenue Northwest, between Fourth Street and Third Street Northwest, to the line of the face of the west curb of Third Street Northwest, between Pennsylvania Avenue and Madison Drive Northwest, to the line of the face of the north curb of Madison Drive Northwest, between Third Street and Fourth Street Northwest, and to the line of the face of the east curb of Fourth Street Northwest, between Pennsylvania Avenue and Madison Drive Northwest,¹ and (C) to the line of the face of the south curb of Constitution Avenue Northwest, between Ninth Street Northwest and Seventh Street Northwest; to the line of the face of the west curb of Seventh Street Northwest, between Constitution Avenue Northwest and Madison Drive Northwest; to the line of the face of the north curb of Madison Drive Northwest, between Seventh Street Northwest and the line of the face of the east side of the east retaining wall of the Ninth Street Expressway Northwest; and to the line of the face of the east side of the east retaining wall of the Ninth Street Expressway Northwest, between Madison Drive Northwest and Constitution Avenue Northwest.

(3) The site of the John F. Kennedy Center for the Performing Arts, which shall be held to

extend to the line of the west face of the west retaining walls and curbs of the Inner Loop Freeway on the east, the north face of the north retaining walls and curbs of the Theodore Roosevelt Bridge approaches on the south, the east face of the east retaining walls and curbs of Rock Creek Parkway on the west, and the south curbs of New Hampshire Avenue and F Street on the north, as generally depicted on the map entitled "Transfer of John F. Kennedy Center for the Performing Arts", numbered 844/82563, and dated April 20, 1994 (as amended by the map entitled "Transfer of John F. Kennedy Center for the Performing Arts", numbered 844/82563A and dated May 22, 1997), which shall be on file and available for public inspection in the office of the National Capital Region, National Park Service, Department of the Interior.

(Oct. 24, 1951, ch. 559, § 9, 65 Stat. 635; Pub. L. 88-391, § 3, Aug. 1, 1964, 78 Stat. 366; Pub. L. 90-376, § 3, July 5, 1968, 82 Stat. 286; Pub. L. 96-441, § 3, Oct. 13, 1980, 94 Stat. 1884; Pub. L. 102-336, Aug. 7, 1992, 106 Stat. 864; Pub. L. 103-279, § 9(c), July 21, 1994, 108 Stat. 1417; Pub. L. 105-95, § 4, Nov. 19, 1997, 111 Stat. 2149.)

AMENDMENTS

1997—Par. (3). Pub. L. 105-95 inserted "(as amended by the map entitled 'Transfer of John F. Kennedy Center for the Performing Arts', numbered 844/82563A and dated May 22, 1997)" after "April 20, 1994".

1994—Par. (3). Pub. L. 103-279 added par. (3).

1992—Par. (2)(C). Pub. L. 102-336 added cl. (C).

1968—Par. (2). Pub. L. 90-376 designated existing provisions as cl. (A) and added cl. (B).

1964—Pub. L. 88-391 amended section generally, and among other changes, redescribed buildings and grounds of the Smithsonian Institution and provided for inclusion of future acquisitions of land and buildings.

CHANGE OF NAME

"National Museum of American History" substituted for "Museum of History and Technology" in par. (1)(A), effective Oct. 14, 1980, pursuant to section 3 of Pub. L. 96-441 which is set out as a note under section 71 of Title 20, Education.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 193n of this title.

§ 193w. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 660

Section, act Oct. 24, 1951, ch. 559, § 10, as added Sept. 23, 1959, Pub. L. 86-379, § 1, 73 Stat. 702, provided for the classification of positions on National Zoological Park police force. Such provisions were reenacted in section 5109(c) of Title 5, Government Organization and Employees, by Pub. L. 89-554, and were later repealed by Pub. L. 91-34, § 2(b), June 30, 1969, 83 Stat. 41.

Pub. L. 89-554 also repealed sections 2 and 3 of Pub. L. 86-379, which prescribed the effective date of Pub. L. 86-379 and provided for certain pay adjustments.

§ 193x. Enforcement power of special police

The special police provided for in section 193n of this title are authorized to enforce concurrently with the United States Park Police the laws and regulations applicable to the National Capital Parks, and to make arrests for violations of sections 193o to 193q of this title, within the several areas located within the exterior

¹ So in original. The comma probably should be a semicolon.

boundaries of the face of the curb lines of the squares within which the aforementioned buildings are located.

(Oct. 24, 1951, ch. 559, §11, as added Pub. L. 88-391, §4, Aug. 1, 1964, 78 Stat. 366.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 193v of this title.

§§ 194 to 205. Repealed. July 31, 1946, ch. 707, § 15, 60 Stat. 720

Section 194, acts July 1, 1882, ch. 258, §1, 22 Stat. 126; Mar. 3, 1901, ch. 854, §881, 31 Stat. 1333, related to public use of Capitol grounds. See section 193b of this title.

Section 195, acts July 1, 1882, ch. 258, §2, 22 Stat. 126; Mar. 3, 1901, ch. 854, §882, 31 Stat. 1333, related to obstruction of roads in Capitol grounds. See section 193c of this title.

Section 196, acts July 1, 1882, ch. 258, §3, 22 Stat. 126; Mar. 3, 1901, ch. 854, §883, 31 Stat. 1333, related to sale of articles in Capitol grounds. See section 193d of this title.

Section 197, acts July 1, 1882, ch. 258, §4, 22 Stat. 126; Mar. 3, 1901, ch. 854, §884, 31 Stat. 1333, related to injury to property in Capitol grounds. See section 193e of this title.

Section 198, acts July 1, 1882, ch. 258, §5, 22 Stat. 127; Mar. 3, 1901, ch. 854, §885, 31 Stat. 1333, related to firearms or fireworks in Capitol grounds. See section 193f of this title.

Section 199, acts July 1, 1882, ch. 258, §6, 22 Stat. 127; Mar. 3, 1901, ch. 854, §886, 31 Stat. 1333, related to parades or assemblages in Capitol grounds. See section 193g of this title.

Section 200, acts July 1, 1882, ch. 258, §7, 22 Stat. 127; Mar. 3, 1901, ch. 854, §887, 31 Stat. 1333, related to prosecution and punishment of offenses on Capitol grounds. See section 193h of this title.

Section 201, acts July 1, 1882, ch. 258, §8, 22 Stat. 127; Mar. 3, 1901, ch. 854, §888, 31 Stat. 1334, related to arrests in Capitol grounds. See section 212a of this title.

Section 202, acts July 1, 1882, ch. 258, §9, 22 Stat. 127; Mar. 3, 1901, ch. 854, §889, 31 Stat. 1334, related to aid in enforcement by Capitol employees. See section 193i of this title.

Section 203, acts July 1, 1882, ch. 258, §10, 22 Stat. 127; Mar. 3, 1901, ch. 854, §890, 31 Stat. 1334, related to suspension of regulations respecting Capitol grounds. See section 193j of this title.

Section 204, acts July 1, 1882, ch. 258, §11, 22 Stat. 127; Mar. 3, 1901, ch. 854, §890, 31 Stat. 1334, related to authority of Capitol Police Commission to suspend regulations. See section 193k of this title.

Section 205, act June 6, 1900, ch. 791, 31 Stat. 613, related to concerts in Capitol grounds. See section 193l of this title.

OFFENSES COMMITTED PRIOR TO JULY 31, 1946

Prosecution of offenses committed prior to repeal of sections 194 to 205, see section 15 of act July 31, 1946, set out as a note under section 193h of this title.

§ 206. Capitol Police; appointment; Chief of the Capitol Police

There shall be a Capitol police. There shall be a captain of the Capitol police and such other members with such rates of compensation, respectively, as may be appropriated for by Congress from year to year. The captain and lieutenants shall be selected jointly by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives; and one-half of the privates shall be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives. The

Capitol Police shall be headed by a Chief who shall be appointed by the Capitol Police Board and shall serve at the pleasure of the Board.

(R.S. §1821; Apr. 28, 1902, ch. 594, 32 Stat. 124; June 28, 1943, ch. 173, title I, 57 Stat. 230; Pub. L. 96-152, §1(a), Dec. 20, 1979, 93 Stat. 1099.)

CODIFICATION

Section is a composite of provisions cited in the credits.

R.S. §1821 derived from acts Mar. 2, 1867, ch. 167, §2, 14 Stat. 466; Mar. 3, 1873, ch. 226, 17 Stat. 488.

AMENDMENTS

1979—Pub. L. 96-152 inserted last sentence providing that the Capitol Police be headed by a Chief who shall be appointed by the Capitol Police Board and who shall serve at the pleasure of the Board.

EFFECTIVE DATE OF 1979 AMENDMENT

Section 7 of Pub. L. 96-152 provided that: "This Act [enacting section 206-1 of this title and amending this section] shall take effect on the first day of the second month after the month in which this Act is enacted [Dec. 1979]."

COMPENSATION OF ASSISTANT CHIEF OF CAPITOL POLICE

Pub. L. 107-117, div. B, §907(b), Jan. 10, 2002, 115 Stat. 2319, provided that: "The Assistant Chief of the Capitol Police shall receive compensation at a rate determined by the Capitol Police Board, but not to exceed \$1,000 less than the annual salary for the chief of the United States Capitol Police."

SELECTION OF PRIVATES

Similar provisions as to the selection of privates were contained in the following acts:

June 8, 1942, ch. 396, 56 Stat. 340.
 July 1, 1941, ch. 268, 55 Stat. 456.
 June 18, 1940, ch. 396, 54 Stat. 471.
 June 16, 1939, ch. 208, 53 Stat. 831.
 May 17, 1938, ch. 236, 52 Stat. 389.
 May 18, 1937, ch. 223, 50 Stat. 178.
 Apr. 17, 1936, ch. 233, 49 Stat. 1223.
 July 8, 1935, ch. 374, 49 Stat. 468.
 May 30, 1934, ch. 372, 48 Stat. 826.
 Feb. 28, 1933, ch. 134, 47 Stat. 1359.
 June 30, 1932, ch. 314, 47 Stat. 390.
 Feb. 20, 1931, ch. 234, 46 Stat. 1182.
 June 6, 1930, ch. 407, 46 Stat. 512.
 Feb. 28, 1929, ch. 367, 45 Stat. 1394.
 May 14, 1928, ch. 551, 45 Stat. 524.
 Feb. 23, 1927, ch. 168, 44 Stat. 1154.
 May 13, 1926, ch. 294, 44 Stat. 545.
 Mar. 4, 1925, ch. 549, 43 Stat. 1294.
 June 7, 1924, ch. 303, 43 Stat. 586.
 Feb. 20, 1923, ch. 98, 42 Stat. 1272.
 Mar. 20, 1922, ch. 103, 42 Stat. 429.

CAPITOL POLICE POSITIONS UNDER THE SENATE

Section 116 of Pub. L. 97-51, Oct. 1, 1981, 95 Stat. 963, which is classified to section 61f-7 of Title 2, The Congress, abolished all statutory positions in Office of the Sergeant at Arms and Doorkeeper of the Senate, and authorized the Sergeant at Arms and Doorkeeper of the Senate to establish such numbers of positions as he deems appropriate and fix the compensation of employees to fill the positions so established. Previously, Capitol Police positions under the Senate were authorized by the following acts:

Sept. 30, 1978, Pub. L. 95-391, title I, 92 Stat. 768.
 May 4, 1977, Pub. L. 95-26, title I, 91 Stat. 81.
 July 25, 1975, Pub. L. 94-59, title I, 89 Stat. 271.
 Aug. 13, 1974, Pub. L. 93-371, 88 Stat. 425.
 Nov. 1, 1973, Pub. L. 93-145, 87 Stat. 530.
 July 9, 1971, Pub. L. 92-51, 85 Stat. 127.
 Aug. 18, 1970, Pub. L. 91-382, 84 Stat. 809.

July 23, 1968, Pub. L. 90-417, 82 Stat. 399.
 July 28, 1967, Pub. L. 90-57, 81 Stat. 128.
 Aug. 27, 1966, Pub. L. 89-545, 80 Stat. 355.
 July 31, 1958, Pub. L. 85-570, 72 Stat. 440.
 Mar. 28, 1958, Pub. L. 85-352, ch. VI, 72 Stat. 57.
 June 27, 1956, ch. 453, 70 Stat. 357.
 July 31, 1947, ch. 414, 61 Stat. 695.
 July 1, 1946, ch. 530, 60 Stat. 391.

CAPITOL POLICE POSITIONS UNDER THE HOUSE OF
 REPRESENTATIVES

Capitol Police positions under the House of Representatives were authorized by the following acts:

House Resolution No. 294, One Hundred First Congress, Nov. 17, 1989, made permanent law Nov. 5, 1990, Pub. L. 101-520, title I, §103, 104 Stat. 2262.

House Resolution No. 320, Ninety-ninth Congress, Nov. 14, 1985, made permanent law by section 102 of H.R. 5203 (see House Report 99-805 as filed in the House on Aug. 15, 1986), and incorporated by reference in section 101(j) of Pub. L. 99-500, Oct. 18, 1986, 100 Stat. 1783-287, and section 101(j) of Pub. L. 99-591, Oct. 30, 1986, 100 Stat. 3341-287, as amended by Pub. L. 100-71, title I, July 11, 1987, 101 Stat. 425, to be effective as if enacted into law.

House Resolution No. 343, Ninety-eighth Congress, Oct. 26, 1983, made permanent law July 17, 1984, Pub. L. 98-367, title I, §103, 98 Stat. 479.

House Resolution No. 625, Ninety-seventh Congress, Dec. 9, 1982, made permanent law July 14, 1983, Pub. L. 98-51, title I, §110, 97 Stat. 269.

House Resolution No. 244, Ninety-seventh Congress, Dec. 16, 1981, made permanent law by section 109 of S. 2939, Ninety-seventh Congress, 2d Session, as reported Sept. 22, 1982, and incorporated by reference in section 101(e) of Pub. L. 97-276, Oct. 2, 1982, 96 Stat. 1189, to be effective as if enacted into law.

House Resolution No. 229, Ninety-sixth Congress, May 4, 1979, made permanent law by section 101 of H.R. 7593, as passed the House of Representatives July 21, 1980, and incorporated by reference in section 101(c) of Pub. L. 96-536, Dec. 16, 1980, 94 Stat. 3167, to be effective as if enacted into law.

House Resolution No. 661, Ninety-fifth Congress, July 29, 1977, made permanent law Sept. 30, 1978, Pub. L. 95-391, title I, §111, 92 Stat. 777, and amended by Pub. L. 104-186, title II, §221(9)(A), Aug. 20, 1996, 110 Stat. 1749.

House Resolution No. 360, Ninety-fourth Congress, Mar. 26, 1975, made permanent law July 25, 1975, Pub. L. 94-59, title II, §201, 89 Stat. 282.

House Resolution No. 398, Ninety-third Congress, June 4, 1973, made permanent law Jan. 3, 1974, Pub. L. 93-245, ch. VI, 87 Stat. 1079.

House Resolution No. 449, Ninety-second Congress, June 2, 1971, made permanent law Dec. 15, 1971, Pub. L. 92-184, ch. IV, 85 Stat. 636, and amended by House Resolution No. 398, Ninety-third Congress, June 4, 1973, made permanent law Jan. 3, 1974, Pub. L. 93-245, ch. VI, 87 Stat. 1079.

House Resolution No. 1293, Ninety-first Congress, Dec. 17, 1970, as readopted and continued with respect to the Ninety-second Congress without break in application and effect by section 1 of House Resolution No. 150, Ninety-second Congress, Jan. 25, 1971, made permanent law July 9, 1971, Pub. L. 92-51, §103, 85 Stat. 144.

House Resolution No. 1211, Ninetieth Congress, Oct. 11, 1968, made permanent law Dec. 12, 1969, Pub. L. 91-145, §103, 83 Stat. 359, and amended by House Resolution No. 449, Ninety-second Congress, June 2, 1971, made permanent law Dec. 15, 1971, Pub. L. 92-184, ch. IV, 85 Stat. 636.

House Resolution No. 464, Ninetieth Congress, May 11, 1967, made permanent law July 9, 1968, Pub. L. 90-392, title I, 82 Stat. 318.

House Resolution No. 796, Eighty-ninth Congress, June 29, 1966, made permanent law Oct. 27, 1966, Pub. L. 89-697, ch. VI, 80 Stat. 1063.

House Resolution No. 648, Eighty-eighth Congress, June 2, 1964, made permanent law July 9, 1971, Pub. L. 92-51, §103, 85 Stat. 144.

House Resolution No. 448, Eighty-fourth Congress, May 8, 1956, made permanent law June 27, 1956, ch. 453, §103, 70 Stat. 370.

July 1, 1946, ch. 530, 60 Stat. 395.

CAPITOL POLICE CIVILIAN SUPPORT POSITIONS WITH
 RESPECT TO THE HOUSE OF REPRESENTATIVES

House Resolution No. 199, One Hundred Second Congress, Aug. 1, 1991, made permanent law Pub. L. 102-392, title I, §102, Oct. 6, 1992, 106 Stat. 1710, and amended by Pub. L. 104-186, title II, §221(9)(B), Aug. 20, 1996, 110 Stat. 1749, authorized Committee on House Oversight [now Committee on House Administration] of the House of Representatives to establish 114 civilian support positions for the Capitol Police, provided for functions, compensation, and classification of positions, provided procedures for appointments to positions and that as each position was filled there would be abolished one position of private on Capitol Police, provided that positions would be filled by individuals in Capitol Police positions so abolished, that all positions would be filled by the end of the One Hundred Second Congress, and that at least 50 of such positions would be filled not later than the end of the first session of such Congress, and authorized Committee on House Oversight [now Committee on House Administration] to prescribe regulations to carry out this provision.

DIRECTOR OF EMPLOYMENT PRACTICES UNDER CAPITOL
 POLICE BOARD

House Resolution No. 420, One Hundred First Congress, June 26, 1990, made permanent law Pub. L. 101-520, title I, §105, Nov. 5, 1990, 104 Stat. 2262, and amended by Pub. L. 104-186, title II, §221(9)(C), Aug. 20, 1996, 110 Stat. 1749, established the position of Director of Employment Practices with respect to members of the Capitol Police, at the appropriate rate of pay under level HS-11 of the House Employees Schedule, with payment from amounts appropriated for the Capitol Police, such appointment to be made by the Capitol Police Board, subject to prior approval of the Committee on House Oversight [now Committee on House Administration], without regard to political affiliation and solely on basis of fitness to perform functions of the position.

GENERAL COUNSEL TO CHIEF OF CAPITOL POLICE

House Resolution No. 661, Ninety-fifth Congress, July 29, 1977, made permanent law Pub. L. 95-391, title I, §111, Sept. 30, 1978, 92 Stat. 777, and amended by Pub. L. 104-186, title II, §221(9)(A), Aug. 20, 1996, 110 Stat. 1749, established the position of General Counsel to the Chief of the Capitol Police, for duty under the House of Representatives, at a per annum gross rate of compensation which is equal to the rate in effect from time to time for HS level 10, step 1, of the House Employees Schedule, such appointment to be made by the Capitol Police Board, subject to the prior approval of the Committee on House Oversight [now Committee on House Administration], without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

§ 206-1. Capitol Police; compensation of Chief

The Chief of the Capitol Police shall receive compensation at a rate determined by the Capitol Police Board, but not to exceed \$2,500 less than the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.

(Pub. L. 96-152, §1(c), Dec. 20, 1979, 93 Stat. 1099; Pub. L. 106-554, §1(a)(2) [title I, §109(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A-107; Pub. L. 107-117, div. B, §907(a), Jan. 10, 2002, 115 Stat. 2319.)

AMENDMENTS

2002—Pub. L. 107-117 substituted “but not to exceed \$2,500 less than the lesser of the annual salary for the

Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate” for “but not to exceed the rate of basic pay payable for level ES-4 of the Senior Executive Service, as established under subchapter VIII of chapter 53 of title 5 (taking into account any comparability payments made under section 5304(h) of such title)”.

2000—Pub. L. 106-554 substituted “the rate of basic pay payable for level ES-4 of the Senior Executive Service, as established under subchapter VIII of chapter 53 of title 5 (taking into account any comparability payments made under section 5304(h) of such title)” for “the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5”.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-117, div. B, §907(c), Jan. 10, 2002, 115 Stat. 2319, provided that: “This section [amending this section and enacting provisions set out as a note under section 206 of this title] and the amendment made by this section shall apply with respect to pay periods beginning on or after the date of the enactment of this Act [Jan. 10, 2002].”

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-554, §1(a)(2) [title I, §109(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A-107, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to pay periods beginning on or after the date of the enactment of this Act [Dec. 21, 2000].”

EFFECTIVE DATE

Section effective Feb. 1, 1980, see section 7 of Pub. L. 96-152, set out as an Effective Date of 1979 Amendment note under section 206 of this title.

§§ 206a to 206a-8. Omitted

CODIFICATION

Sections, which related to establishment of additional positions on the Capitol Police for duty under the House of Representatives, were based on House Resolutions that were made permanent law, and have been omitted as of limited interest. These House Resolutions and the acts that made them permanent law are listed in a note set out under section 206 of this title.

§ 206a-9. Chief Administrative Officer

(a) In general

There shall be within the Capitol Police an Office of Administration to be headed by a Chief Administrative Officer as follows:

(1) Not later than 60 days after December 21, 2000, the Chief Administrative Officer shall be appointed by the Chief of the Capitol Police after consultation with the Capitol Police Board and the Comptroller General, and shall report to and serve at the pleasure of the Chief of the Capitol Police.

(2) The Comptroller General shall evaluate the performance of the Chief Administrative Officer in carrying out the duties and responsibilities of the Office of Administration as outlined in this section. The Comptroller General shall meet with the Chief of the Capitol Police and the Capitol Police Board at least quarterly to provide an analysis of the performance of the Chief Administrative Officer. The Comptroller General shall report the results of the evaluation to the Chief of the Capitol Police, the Capitol Police Board, the Committees on Appropriations of the House of Representatives and Senate, the Committee

on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

(3) The Chief of the Capitol Police shall appoint as Chief Administrative Officer an individual with the knowledge and skills necessary to carry out the responsibilities for budgeting, financial management, information technology, and human resource management described in this section.

(4) The Chief Administrative Officer shall receive basic pay at a rate determined by the Chief of the Capitol Police, but not to exceed \$1,000 less than the annual rate of pay for the Chief of the Capitol Police.

(5) The Capitol Police shall reimburse from available appropriations any costs incurred by the Comptroller General under this section, which shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended.

(b) Responsibilities

The Chief Administrative Officer shall have the following areas of responsibility:

(1) Budgeting

The Chief Administrative Officer shall—

(A) prepare and submit to the Capitol Police Board an annual budget for the Capitol Police; and

(B) execute the budget and monitor through periodic examinations the execution of the Capitol Police budget in relation to actual obligations and expenditures.

(2) Financial management

The Chief Administrative Officer shall—

(A) oversee all financial management activities relating to the programs and operations of the Capitol Police;

(B) develop and maintain an integrated accounting and financial system for the Capitol Police, including financial reporting and internal controls, which—

(i) complies with applicable accounting principles, standards, and requirements, and internal control standards;

(ii) complies with any other requirements applicable to such systems; and

(iii) provides for—

(I) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to financial information needs of the Capitol Police;

(II) the development and reporting of cost information;

(III) the integration of accounting and budgeting information; and

(IV) the systematic measurement of performance;

(C) direct, manage, and provide policy guidance and oversight of Capitol Police financial management personnel, activities, and operations, including—

(i) the recruitment, selection, and training of personnel to carry out Capitol Police financial management functions; and

(ii) the implementation of Capitol Police asset management systems, including systems for cash management, debt collec-

tion, and property and inventory management and control; and

(D) shall prepare annual financial statements for the Capitol Police and provide for an annual audit of the financial statements by an independent public accountant in accordance with generally accepted government auditing standards.

(3) Information technology

The Chief Administrative Officer shall—

(A) direct, coordinate, and oversee the acquisition, use, and management of information technology by the Capitol Police;

(B) promote and oversee the use of information technology to improve the efficiency and effectiveness of programs of the Capitol Police; and

(C) establish and enforce information technology principles, guidelines, and objectives, including developing and maintaining an information technology architecture for the Capitol Police.

(4) Human resources

The Chief Administrative Officer shall—

(A) direct, coordinate, and oversee human resources management activities of the Capitol Police;

(B) develop and monitor payroll and time and attendance systems and employee services; and

(C) develop and monitor processes for recruiting, selecting, appraising, and promoting employees.

(c) Administrative provisions

(1) Personnel

The Chief Administrative Officer is authorized to select, appoint, employ, and discharge such officers and employees as may be necessary to carry out the functions, powers, and duties of the Office of Administration, but shall not have the authority to hire or discharge uniformed and operational police force personnel.

(2) Resources of other agencies

The Chief Administrative Officer may utilize resources of another agency on a reimbursable basis to be paid from available appropriations of the Capitol Police.

(d) Plan

No later than 180 days after appointment, the Chief Administrative Officer shall prepare and submit to Chief of the Capitol Police, the Capitol Police Board, and the Comptroller General, a plan—

(1) describing the policies, procedures, and actions the Chief Administrative Officer will take in carrying out the responsibilities assigned under this section;

(2) identifying and defining responsibilities and roles of all offices, bureaus, and divisions of the Capitol Police for budgeting, financial management, information technology, and human resources management; and

(3) detailing mechanisms for ensuring that the offices, bureaus, and divisions perform their responsibilities and roles in a coordinated and integrated manner.

(e) Report

No later than September 30, 2001, the Chief Administrative Officer shall prepare and submit to the Chief of the Capitol Police, the Capitol Police Board, and the Comptroller General, a report on the Chief Administrative Officer's progress in implementing the plan described in subsection (d) of this section and recommendations to improve the budgeting, financial, information technology, and human resources management of the Capitol Police, including organizational, accounting and administrative control, and personnel changes.

(f) Submission to Committees

The Chief of the Capitol Police shall submit the plan required in subsection (d) of this section and report required in subsection (e) of this section to the Committees on Appropriations of the House of Representatives and of the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

(g) Termination of role

As of October 1, 2002, the role of the Comptroller General, as established by this section, will cease.

(Pub. L. 106-554, §1(a)(2) [title I, §108], Dec. 21, 2000, 114 Stat. 2763, 2763A-104; Pub. L. 106-346, §101(a) [title V, §507(a)], Oct. 23, 2000, 114 Stat. 1356, 1356A-55; Pub. L. 107-68, title I, §122(a), Nov. 12, 2001, 115 Stat. 576.)

AMENDMENTS

2001—Subsec. (a)(4). Pub. L. 107-68 substituted “the Chief of the Capitol Police, but not to exceed \$1,000 less than the annual rate of pay for the Chief of the Capitol Police” for “the Capitol Police Board, but not to exceed the annual rate of basic pay payable for ES-2 of the Senior Executive Service, as established under subchapter VIII of chapter 53 of title 5 (taking into account any comparability payments made under section 5304(h) of such title)”.

2000—Pub. L. 106-346 amended section generally, substituting present provisions for similar provisions establishing within the Capitol Police an Office of Administration to be headed by a Chief Administrative Officer, providing that the Chief Administrative Officer would be appointed and his pay rate would be set by the Comptroller General, setting out the powers and duties of the Chief Administrative Officer, and providing that as of Oct. 1, 2002, the Chief Administrative Officer would cease to be an employee of the General Accounting Office, would become an employee of the Capitol Police, and the Capitol Police Board would assume all responsibilities of the Comptroller General under this section.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-68, title I, §122(b), Nov. 12, 2001, 115 Stat. 576, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to pay periods beginning on or after October 1, 2001.”

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-346, §101(a) [title V, §507(b)], Oct. 23, 2000, 114 Stat. 1356, 1356A-57, provided that: “The amendments made by subsection (a) [amending this section] shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2001 [H.R. 5657, as enacted by section 1(a)(2) of Pub. L. 106-554].”

§ 206b. Emergency duty overtime pay for Capitol Police from funds disbursed by the Chief Administrative Officer of the House of Representatives

(a) Entitlement of officer or member

Each officer or member of the United States Capitol Police force—

(1) whose pay is disbursed by the Chief Administrative Officer of the House of Representatives; and

(2) who performs duty in addition to the number of hours of his regularly scheduled tour of duty beginning on or after July 1, 1974;

is entitled (subject to such rules and regulations as the Capitol Police Board may prescribe) to receive compensation as a result of performing such duty pursuant to the order of proper authority, or to receive compensatory time off for each such additional hour of duty, except that an officer shall be entitled to receive such compensation only upon a determination of the Capitol Police Board with respect to the additional hours of duty of such officer.

(b) Determination of rate of compensation

Compensation of an officer or member for each additional hour of duty shall be paid at a rate equal to—

(1) in the case of an officer, his hourly rate of compensation; or

(2) in the case of a member, one and one-half times his hourly rate of compensation.

The hourly rate of compensation of an officer or member shall be determined by dividing the annual rate of compensation of the officer or member by 2,080.

(c) Written election by officer for compensation or compensatory time off for additional hours of duty

Any officer or member entitled to receive compensation for additional hours of duty shall make a written election with respect to his additional hours of duty which shall designate whether such officer or member desires to receive—

(1) compensation for additional hours of duty; or

(2) compensatory time off for additional hours of duty subject to approval of the Chief and the Capitol Police Board.

(d) Certification procedure for additional compensation

Compensation which officers and members are entitled to receive under this section shall be made upon certification by the Chief of the Capitol Police at the end of each calendar quarter to the Capitol Police Board, and upon the transmission of approval from the Capitol Police Board to the Committee on House Oversight of the House of Representatives.

(e) Transfer of accrued compensatory time off or receipt of lump-sum payment upon termination of service

No officer or member may, upon the termination of his service as an officer or member of the United States Capitol Police force, transfer accrued compensatory time off for application with respect to his employment by any other de-

partment, agency, or establishment of the Federal Government or the District of Columbia. No officer or employee may, upon such termination, receive any lump-sum payment with respect to such accrued compensatory time off.

(f) Definitions

For purposes of this section—

(1) the term “officer” includes all personnel of the rank of lieutenant or higher, including inspector; and

(2) the term “member” includes all personnel below the rank of lieutenant, including detectives.

(Pub. L. 92-184, ch. IV, Dec. 15, 1971, 85 Stat. 636; Pub. L. 93-245, ch. VI, §600, Jan. 3, 1974, 87 Stat. 1079; Pub. L. 93-554, title I, ch. III, Dec. 27, 1974, 88 Stat. 1777; Pub. L. 104-186, title II, §221(10), (11), Aug. 20, 1996, 110 Stat. 1750.)

CODIFICATION

Subsecs. (a) to (f) of this section are based on section 3 of H. Res. No. 449, Ninety-second Congress, June 2, 1971, enacted into permanent law by Pub. L. 92-184, as amended by H. Res. No. 398, Ninety-third Congress, June 4, 1973, eff. Jan. 3, 1974, enacted into permanent law by Pub. L. 93-245, and H. Res. No. 1309, Ninety-third Congress, Oct. 10, 1974, eff. Dec. 27, 1974, enacted into permanent law by Pub. L. 93-554.

Subsec. (g) of this section was based on section 3 of H. Res. No. 1309, Ninety-third Congress, Oct. 10, 1974, eff. Dec. 27, 1974, enacted into permanent law by Pub. L. 93-554, and was repealed by Pub. L. 104-186, title II, §221(11)(B), Aug. 20, 1996, 110 Stat. 1750. See 1996 Amendment note below.

As originally codified, this section consisted of two undesignated pars. based on sections 3 and 5 of H. Res. No. 449, Ninety-second Congress, June 2, 1971, enacted into permanent law by Pub. L. 92-184. Section 5 of H. Res. No. 449 was superseded by section 3 of H. Res. No. 1309, formerly set out as subsec. (g) of this section, and was subsequently repealed by Pub. L. 104-186, title II, §221(11)(B), Aug. 20, 1996, 110 Stat. 1750.

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104-186, §221(10), substituted “Chief Administrative Officer” for “Clerk”.

Subsec. (d). Pub. L. 104-186, §221(11)(A), substituted “House Oversight” for “House Administration”.

Subsec. (g). Pub. L. 104-186, §221(11)(B), struck out subsec. (g) which read as follows: “There shall be paid out of the contingent fund of the House of Representatives, until otherwise provided by law, such sums as may be necessary to make payments of overtime pay under the provisions of this section.”

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 206c. Emergency duty overtime pay for Capitol Police from funds disbursed by Secretary of the Senate; compensatory time off in place of additional pay; election, accrual and transfer of time off; rules and regulations

Each officer or member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate, who performs duty in addition to the number of hours of his regularly scheduled tour of duty for any day on or after July 1, 1974, is entitled to be paid compensation (when ordered to perform such duty by proper authority) or receive compensatory time off for

each such additional hour of duty, except that an officer shall be entitled to such compensation only upon a determination made by the Capitol Police Board with respect to any additional hours. Compensation of an officer or member for each additional hour of duty shall be paid at a rate equal to his hourly rate of compensation in the case of an officer, and at a rate equal to one and one-half times his hourly rate of compensation for a member of such force. The hourly rate of compensation of such officer or member shall be determined by dividing his annual rate of compensation by 2,080. Any officer or member entitled to be paid compensation for such additional hours shall make a written election, which is irrevocable, whether he desires to be paid that compensation or to receive compensatory time off instead for each such hour. Compensation due officers and members under this paragraph shall be paid by the Secretary, upon certification by the Chief of the Capitol Police at the end of each calendar quarter and approval of the Capitol Police Board, from funds available in the Senate appropriation, "Salaries, Officers and Employees" for the fiscal year in which the additional hours of duty are performed without regard to the limitations specified therein. Any compensatory time off accrued and not used by an officer or member at the time he is separated from service on the Capitol Police force may not be transferred to any other department, agency, or establishment of the United States Government or the government of the District of Columbia, and no lump-sum amount shall be paid for such accrued time. The Capitol Police Board is authorized to prescribe regulations to carry out this section.

(Pub. L. 92-51, July 9, 1971, 85 Stat. 130; Pub. L. 93-145, Nov. 1, 1973, 87 Stat. 532; Pub. L. 93-371, § 5, Aug. 13, 1974, 88 Stat. 430.)

AMENDMENTS

1974—Pub. L. 93-371 generally amended provisions relating to payment of emergency duty overtime pay and inserted provisions relating to election by officers or members entitled to compensation for additional duty of either payment of such compensation or compensatory time off in place of any additional pay, and provisions setting forth duties of the Capitol Police Board with respect to approval of additional compensation payments and promulgation of rules and regulations for implementing this section, effective July 1, 1974.

1973—Pub. L. 93-145 inserted "inspectors," before "captains".

§ 206d. Contributions of meals and refreshments during Capitol Police emergency duty

At any time on or after November 12, 2001, the United States Capitol Police may accept contributions of meals and refreshments in support of activities of the United States Capitol Police during a period of emergency (as determined by the Capitol Police Board).

(Pub. L. 107-68, title I, § 121, Nov. 12, 2001, 115 Stat. 576.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 206d-1 of this title.

§ 206d-1. Contributions of comfort and other incidental items and services during Capitol Police emergency duty

In addition to the authority provided under section 206d of this title, at any time on or after January 10, 2002, the Capitol Police Board may accept contributions of comfort and other incidental items and services to support officers and employees of the United States Capitol Police while such officers and employees are on duty in response to emergencies involving the safety of human life or the protection of property.

(Pub. L. 107-117, div. B, § 910, Jan. 10, 2002, 115 Stat. 2322.)

§ 206e. Support and maintenance expenditures during Capitol Police emergency duty

At any time on or after November 12, 2001, the Capitol Police Board may incur obligations and make expenditures out of available appropriations for meals, refreshments and other support and maintenance for the Capitol Police when, in the judgment of the Capitol Police Board, such obligations and expenditures are necessary to respond to emergencies involving the safety of human life or the protection of property.

(Pub. L. 107-68, title I, § 124, Nov. 12, 2001, 115 Stat. 576.)

§ 207. Payment of Capitol Police

The said police shall be paid on the order of the Sergeant at Arms of the Senate and the Sergeant at Arms of the House, or of either of them.

(R.S. § 1822.)

CODIFICATION

Provisions of R.S. § 1822 relating to composition and pay rates of the Capitol police were omitted as obsolete and superseded.

R.S. § 1822 derived from acts Mar. 30, 1867, ch. 20, § 1, 15 Stat. 11; Mar. 3, 1871, ch. 113, § 1, 16 Stat. 477.

§ 207a. Unified payroll administration for Capitol Police

Payroll administration for the Capitol Police and civilian support personnel of the Capitol Police shall be carried out on a unified basis by a single disbursing authority. The Capitol Police Board, with the approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, acting jointly, shall, by contract or otherwise, provide for such unified payroll administration.

(July 31, 1946, ch. 707, § 9C, as added Pub. L. 102-397, title I, § 102, Oct. 6, 1992, 106 Stat. 1950; amended Pub. L. 104-186, title II, § 221(12), Aug. 20, 1996, 110 Stat. 1750.)

AMENDMENTS

1996—Pub. L. 104-186 substituted "House Oversight" for "House Administration".

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE

Section 104 of Pub. L. 102-397, as amended by Pub. L. 102-392, title III, § 321, Oct. 6, 1992, 106 Stat. 1726, pro-

vided that: “The unified payroll administration under the amendment made by section 102 [enacting this section] shall apply with respect to pay periods beginning after September 30, 1993.”

[Section 321 of Pub. L. 102-392 provided that the amendment made by that section to section 104 of Pub. L. 102-397, set out above, is effective Oct. 6, 1992.]

LUMP-SUM PAYMENT

Title II of Pub. L. 102-397 provided that:

“SEC. 201. DEFINITIONS.

“For the purpose of this title—

“(1) the term ‘officer’ includes all personnel of the rank of lieutenant or higher, including inspector;

“(2) the term ‘member’ includes all personnel below the rank of lieutenant, including detectives; and

“(3) the term ‘Clerk of the House of Representatives’ or ‘Clerk’ includes a successor in function to the Clerk.

“SEC. 202. LUMP-SUM PAYMENT FOR ACCUMULATED AND CURRENT ACCRUED ANNUAL LEAVE.

“An officer or member of the United States Capitol Police who separates from service within the 2-year period beginning on the date of the enactment of this title [Oct. 6, 1992] and who, at the time of separation, satisfies the age and service requirements for title to an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, shall be entitled to receive a lump-sum payment for the accumulated and current accrued annual leave to which that individual is entitled, but only to the extent that such leave is attributable to service performed by such individual as an officer or member of the Capitol Police.

“SEC. 203. PROCEDURES.

“(a) IN GENERAL.—A payment under this title shall be paid—

“(1) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Clerk of the House of Representatives—

“(A) by the Clerk;

“(B) after appropriate certification is made to the Clerk by the Sergeant at Arms of the House of Representatives; and

“(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Clerk; and

“(2) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Secretary of the Senate—

“(A) by the Secretary of the Senate;

“(B) after appropriate certification is made to the Secretary of the Senate by the Sergeant at Arms and Doorkeeper of the Senate; and

“(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Secretary of the Senate.

“(b) CERTIFICATION.—Any certification under subsection (a)(1)(B) or (a)(2)(B) shall state the total of the accumulated and current accrued annual leave, to the credit of the officer or member involved, which may be taken into account for purposes of a computation under subsection (c).

“(c) COMPUTATION.—(1) The amount of a lump-sum payment under this title shall be determined by multiplying the hourly rate of basic pay of the officer or member involved by the number of hours certified with respect to such officer or member in accordance with the preceding provisions of this section.

“(2) The hourly rate of basic pay of an officer or member shall, for purposes of this title, be determined by dividing 2,080 into the annual rate of basic pay last payable to such officer or member before separating.

“(d) TREATMENT AS PAY.—A lump-sum payment under this title shall be considered to be pay for taxation purposes only.

“(e) CLARIFICATION.—For purposes of this title, the terms ‘officer’ and ‘member’ may not be construed to include any civilian employee.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b-1, 184a, 193h, 193i, 193j, 193m, 212c of this title.

§ 207b. Establishment by Capitol Police Board of unified schedules of rates of basic pay and leave system; lump sum payments

(a) Rates of basic pay

(1) The Capitol Police Board shall establish and maintain unified schedules of rates of basic pay for members and civilian employees of the Capitol Police which shall apply to both members and employees whose appointing authority is an officer of the Senate and members and employees whose appointing authority is an officer of the House of Representatives.

(2) The Capitol Police Board may, from time to time, adjust any schedule established under paragraph (1) to the extent that the Board determines appropriate to reflect changes in the cost of living and to maintain pay comparability.

(3) A schedule established or revised under paragraph (1) or (2) shall take effect only upon approval by the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate.

(4) A schedule approved under paragraph (3) shall have the force and effect of law.

(b) Leave system

(1) The Capitol Police Board shall prescribe, by regulation, a unified leave system for members and civilian employees of the Capitol Police which shall apply to both members and employees whose appointing authority is an officer of the Senate and members and employees whose appointing authority is an officer of the House of Representatives. The leave system shall include provisions for—

(A) annual leave, based on years of service;

(B) sick leave;

(C) administrative leave;

(D) leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

(E) leave without pay and leave with reduced pay, including provisions relating to contributions for benefits for any period of such leave;

(F) approval of all leave by the Chief or the designee of the Chief;

(G) the order in which categories of leave shall be used;

(H) use, accrual, and carryover rules and limitations, including rules and limitations for any period of active duty in the Armed Forces;

(I) advance of annual leave or sick leave after a member or civilian employee has used all such accrued leave;

(J) buy back of annual leave or sick leave used during an extended recovery period in the case of an injury in the performance of duty;

(K) the use of accrued leave before termination of the employment as a member or civilian employee of the Capitol Police, with provision for lump sum payment for unused annual leave; and

(L) a leave-sharing program.

(2) The leave system under this section may not provide for the accrual of either annual or

sick leave for any period of leave without pay or leave with reduced pay.

(3) All provisions of the leave system established under this subsection shall be subject to the approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate. All regulations approved under this subsection shall have the force and effect of law.

(c) Lump sum payments

(1) Upon the approval of the Capitol Police Board, a member or civilian employee of the Capitol Police who is separated from service may be paid a lump sum payment for the accrued annual leave of the member or civilian employee.

(2) The lump sum payment under paragraph (1)—

(A) shall equal the pay the member or civilian employee would have received had such member or employee remained in the service until the expiration of the period of annual leave;

(B) shall be paid from amounts appropriated to the Capitol Police;

(C) shall be based on the rate of basic pay in effect with respect to the member or civilian employee on the last day of service of the member or civilian employee;

(D) shall not be calculated on the basis of extending the period of leave described under subparagraph (A) by any holiday occurring after the date of separation from service;

(E) shall be considered pay for taxation purposes only; and

(F) shall be paid only after the Chairman of the Capitol Police Board certifies the applicable period of leave to the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate.

(3) A member or civilian employee of the Capitol Police who enters active duty in the Armed Forces may—

(A) receive a lump sum payment for accrued annual leave in accordance with this subsection, in addition to any pay or allowance payable from the Armed Forces; or

(B) elect to have the leave remain to the credit of such member or civilian employee until such member or civilian employee returns from active duty.

(4) The Capitol Police Board may prescribe regulations to carry out this subsection. No lump sum payment may be paid under this subsection until such regulations are approved by the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives. All regulations approved under this subsection shall have the force and effect of law.

(d) Effect on appointment authority

Nothing in this section shall be construed to affect the appointing authority of any officer of the Senate or the House of Representatives.

(Pub. L. 105-55, title I, § 111, Oct. 7, 1997, 111 Stat. 1186.)

REFERENCES IN TEXT

The Family and Medical Leave Act of 1993, referred to in subsec. (b)(1)(D), is Pub. L. 103-3, Feb. 5, 1993, 107

Stat. 6, as amended, which enacted sections 60m and 60n of this title, sections 6381 to 6387 of Title 5, Government Organization and Employees, and chapter 28 (§2601 et seq.) of Title 29, Labor, amended section 2105 of Title 5, and enacted provisions set out as notes under section 2601 of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29 and Tables.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 207b-1. Student loan repayment program for Capitol Police

(a) Establishment and maintenance of program

The Capitol Police Board may, in order to recruit or retain qualified personnel, establish and maintain a program under which the Capitol Police may agree to repay (by direct payments on behalf of a civilian employee or member of the Capitol Police) all or a portion of any student loan previously taken out by such employee or member.

(b) Applicability of other laws

The Capitol Police Board may, by regulation, make applicable such provisions of section 5379 of title 5 as the Board determines necessary to provide for such program.

(c) Limitations on amount

The regulations shall provide that the amount paid by the Capitol Police may not exceed—

(1) \$6,000 for any civilian employee or member of the Capitol Police in any calendar year; or

(2) a total of \$40,000 in the case of any employee or member.

(d) Reimbursements

The Capitol Police may not reimburse a civilian employee or member of the Capitol Police for any repayments made by such employee or member prior to the Capitol Police entering into an agreement under this section with such employee or member.

(e) Crediting and use of funds repaid by, or recovered from, an individual

Any amount repaid by, or recovered from, an individual under this section and its implementing regulations shall be credited to the appropriation account available for salaries and expenses of the Capitol Police at the time of repayment or recovery. Such credited amount may be used for any authorized purpose of the account and shall remain available until expended.

(f) Effective date

This section shall apply to fiscal year 2002 and each fiscal year thereafter.

(Pub. L. 107-117, div. B, § 908, Jan. 10, 2002, 115 Stat. 2319.)

§ 207b-2. Bonuses, retention allowances, and additional compensation for Capitol Police

(a) Recruitment and relocation bonuses

(1) Authorization of payment

The Capitol Police Board (hereafter in this section referred to as the “Board”) may au-

thorize the Chief of the United States Capitol Police (hereafter in this section referred to as the “Chief”) to pay a bonus to an individual who is newly appointed to a position as an officer or employee of the Capitol Police, and to pay an additional bonus to an individual who must relocate to accept a position as an officer or employee of the Capitol Police, if the Board determines that the Capitol Police would be likely, in the absence of such a bonus, to encounter difficulty in filling the position.

(2) Amount of payment

The amount of a bonus under this subsection shall be determined by regulations of the Board, but the amount of any bonus paid to an individual under this subsection may not exceed 25 percent of the annual rate of basic pay of the position to which the individual is being appointed.

(3) Minimum period of service required

Payment of a bonus under this subsection shall be contingent upon the individual entering into an agreement with the Capitol Police to complete a period of employment with the Capitol Police, with the required period determined pursuant to regulations of the Board. If the individual voluntarily fails to complete such period of service or is separated from the service before completion of such period of service for cause on charges of misconduct or delinquency, the individual shall repay the bonus on a pro rata basis.

(4) Bonus not considered part of basic pay

A bonus under this subsection shall be paid as a lump sum, and may not be considered to be part of the basic pay of the officer or employee.

(5) Payment permitted prior to commencement of duty

Under regulations of the Board, a bonus under this subsection may be paid to a newly-hired officer or employee before the officer or employee enters on duty.

(b) Retention allowances

(1) Authorization of payment

The Board may authorize the Chief to pay an allowance to an officer or employee of the United States Capitol Police if—

(A) the unusually high or unique qualifications of the officer or employee or a special need of the Capitol Police for the officer’s or employee’s services makes it essential to retain the officer or employee; and

(B) the Chief determines that the officer or employee would be likely to leave in the absence of a retention allowance.

(2) Amount of payment

A retention allowance, which shall be stated as a percentage of the rate of basic pay of the officer or employee, may not exceed 25 percent of such rate of basic pay.

(3) Payment not considered part of basic pay

A retention allowance may not be considered to be part of the basic pay of an officer or employee, and the reduction or elimination of

a retention allowance may not be appealed. The preceding sentence shall not be construed to extinguish or lessen any right or remedy under any of the laws made applicable to the Capitol Police pursuant to section 1302 of title 2.

(4) Time and manner of payment

A retention allowance under this subsection shall be paid at the same time and in the same manner as the officer’s or employee’s basic pay is paid.

(c) Lump sum incentive and merit bonus payments

(1) In general

The Board may pay an incentive or merit bonus to an officer or employee of the United States Capitol Police who meets such criteria for receiving the bonus as the Board may establish.

(2) Bonus not considered part of basic pay

A bonus under this subsection shall be paid as a lump sum, and may not be considered to be part of the basic pay of the officer or employee.

(d) Service step increases for meritorious service for officers

Upon the approval of the Chief—

(1) an officer of the United States Capitol Police in a service step who has demonstrated meritorious service (in accordance with criteria established by the Chief or the Chief’s designee) may be advanced in compensation to the next higher service step, effective with the first pay period which begins after the date of the Chief’s approval; and

(2) an officer of the United States Capitol Police in a service step who has demonstrated extraordinary performance (in accordance with criteria established by the Chief or the Chief’s designee) may be advanced in compensation to the second next higher service step, effective with the first pay period which begins after the date of the Chief’s approval.

(e) Additional compensation for field training officers

(1) In general

Each officer of the United States Capitol Police who is assigned to duty as a field training officer shall receive, in addition to the officer’s scheduled rate of compensation, an additional amount determined by the Board (but not to exceed \$2,000 per annum).

(2) Manner of payment

The additional compensation authorized by this subsection shall be paid to the officer in the same manner as the officer is paid basic compensation, except that when the officer ceases to be assigned to duty as a field training officer, the loss of such additional compensation shall not constitute an adverse action for any purpose.

(f) Regulations

(1) In general

The payment of bonuses, allowances, step increases, compensation, and other payments

pursuant to this section shall be carried out in accordance with regulations prescribed by the Board.

(2) Approval

The regulations prescribed pursuant to this subsection shall be subject to the approval of the Committee on Rules and Administration of the Senate, the Committee on House Administration of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives.

(g) Effective date

This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

(Pub. L. 107-117, div. B, §909, Jan. 10, 2002, 115 Stat. 2320.)

§ 207c. Establishment of United States Capitol Police Memorial Fund

There is hereby established in the Treasury of the United States the United States Capitol Police Memorial Fund (hereafter in sections 207c to 207c-3 of this title referred to as the “Fund”). All amounts received by the Capitol Police Board which are designated for deposit into the Fund shall be deposited into the Fund.

(Pub. L. 105-223, §1, Aug. 7, 1998, 112 Stat. 1250.)

§ 207c-1. Payments from Fund for families of Detective Gibson and Private First Class Chestnut

Subject to the regulations issued under section 207c-3 of this title, amounts in the Fund shall be paid to the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police as follows:

(1) Fifty percent of such amounts shall be paid to the widow and children of Detective Gibson.

(2) Fifty percent of such amounts shall be paid to the widow and children of Private First Class Chestnut.

(Pub. L. 105-223, §2, Aug. 7, 1998, 112 Stat. 1250.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 207c, 207c-3 of this title.

§ 207c-2. Tax treatment of Fund

(a) Contributions to Fund

For purposes of title 26, any contribution or gift to or for the use of the Fund shall be treated as a contribution or gift for exclusively public purposes to or for the use of an organization described in section 170(c)(1) of title 26.

(b) Treatment of payments from Fund

Any payment from the Fund shall not be subject to any Federal, State, or local income or gift tax.

(c) Exemption

For purposes of title 26, notwithstanding section 501(c)(1)(A) of title 26, the Fund shall be treated as described in section 501(c)(1) of title 26 and exempt from tax under section 501(a) of title 26.

(Pub. L. 105-223, §3, Aug. 7, 1998, 112 Stat. 1250.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 207c of this title.

§ 207c-3. Administration by Capitol Police Board

The Capitol Police Board shall administer and manage the Fund (including establishing the timing and manner of making payments under section 207c-1 of this title) in accordance with regulations issued by the Board, subject to the approval of the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives. Under such regulations, the Board shall pay any balance remaining in the Fund upon the expiration of the 6-month period which begins on August 7, 1998, to the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut in accordance with section 207c-1 of this title, and shall disburse any amounts in the Fund after the expiration of such period in such manner as the Board may establish. Under such regulations, and using amounts in the Fund, a financial adviser or trustee, as appropriate, for the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police shall be appointed to advise the families respecting disbursements to them of amounts in the Fund.

(Pub. L. 105-223, §4, Aug. 7, 1998, 112 Stat. 1250.)

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 207c, 207c-1 of this title.

§ 207d. Certifying officers of Capitol Police

(a) Appointment of certifying officers of the Capitol Police

The Chief Administrative Officer of the United States Capitol Police, or when there is not a Chief Administrative Officer, the Capitol Police Board, shall appoint certifying officers to certify all vouchers for payment from funds made available to the United States Capitol Police.

(b) Responsibility and accountability of certifying officers

(1) In general

Each officer or employee of the Capitol Police who has been duly authorized in writing by the Chief Administrative Officer, or the Capitol Police Board if there is not a Chief Administrative Officer, to certify vouchers pursuant to subsection (a) of this section shall—

(A) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting papers and for the legality of the proposed payment under the appropriation or fund involved;

(B) be held responsible and accountable for the correctness of the computations of certified vouchers; and

(C) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by such officer or employee, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

(2) Relief by Comptroller General

The Comptroller General may, at the Comptroller General's discretion, relieve such certifying officer or employee of liability for any payment otherwise proper if the Comptroller General finds—

(A) that the certification was based on official records and that the certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts; or

(B) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment.

(c) Enforcement of liability

The liability of the certifying officers of the United States Capitol Police shall be enforced in the same manner and to the same extent as currently provided with respect to the enforcement of the liability of disbursing and other accountable officers, and such officers shall have the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment on any vouchers presented to them for certification.

(Pub. L. 106-554, §1(a)(2) [title I, §107], Dec. 21, 2000, 114 Stat. 2763, 2763A-103.)

§ 207e. Deposit and use of funds reimbursed to Capitol Police for law enforcement assistance

(a)(1) Any funds received by the Capitol Police as reimbursement for law enforcement assistance from any Federal, State, or local government agency (including any agency of the District of Columbia) shall be deposited in the United States Treasury for credit to the appropriation for "general expenses" under the heading "Capitol Police Board", or "security enhancements" under the heading "Capitol Police Board".

(2) Funds deposited under this subsection may be expended by the Capitol Police Board for any authorized purpose, including overtime pay expenditures relating to law enforcement assistance to any Federal, State, or local government agency (including any agency of the District of Columbia), and shall remain available until expended.

(b) This section shall take effect on July 24, 2001, and shall apply to fiscal year 2001 and each fiscal year thereafter.

(Pub. L. 107-20, title II, §2802, July 24, 2001, 115 Stat. 184.)

§ 208. Suspension of Capitol Police members

The captain of the Capitol police may suspend any member of the force, subject to the approval

of the two Sergeants at Arms and of the Architect of the Capitol.

(R.S. § 1823; Mar. 3, 1921, ch. 124, § 1, 41 Stat. 1291.)

CODIFICATION

R.S. § 1823 derived from acts Mar. 3, 1873, ch. 226, 17 Stat. 488; June 20, 1874, ch. 328, 18 Stat. 86; Mar. 3, 1875, ch. 129, 18 Stat. 345.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

§ 209. Pay of Capitol Police members under suspension

On and after March 3, 1875, whenever a member of the Capitol police or watch force is suspended from duty for cause, said policeman or watchman shall receive no compensation for the time of such suspension if he shall not be reinstated.

(Mar. 3, 1875, ch. 129, 18 Stat. 345.)

CODIFICATION

Section is based on a proviso in act Mar. 3, 1875, popularly known as the "Legislature, Executive, and Judicial Appropriation Act, fiscal year 1876".

§ 210. Uniform, belts and arms; Capitol Police

The Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives shall select and regulate the pattern for a uniform for the Capitol police and watchmen, and furnish each member of the force with the necessary belts and arms, payable out of the contingent fund of the Senate and House of Representatives upon the certificate of the officers above named. Such arms so furnished shall be carried by each officer and member of the Capitol Police, while in the Capitol Buildings (as defined in section 193m(1) of this title), and while within or outside of the boundaries of the United States Capitol Grounds (as defined in section 193a of this title), in such manner and at such times as the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives may, by regulations, prescribe.

(R.S. § 1824; Pub. L. 92-607, ch. V, §507, Oct. 31, 1972, 86 Stat. 1508; Pub. L. 95-26, title I, §112, May 4, 1977, 91 Stat. 87.)

CODIFICATION

R.S. § 1824 derived from act Mar. 30, 1867, ch. 20, § 1, 15 Stat. 11.

AMENDMENTS

1977—Pub. L. 95-26 struck out "at a cost not to exceed twenty dollars per man," after "furnish each member of the force with the necessary belts and arms,".

1972—Pub. L. 92-607 directed that the arms be carried in the Capitol Buildings and within and without the boundaries of the United States Capitol Grounds according to regulations prescribed by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives.

§ 210a. Uniforms to display United States flag or colors

(a) The uniform of officers and members of the United States Park Police force, the United

States Secret Service Uniformed Division, the Capitol Police, and the Metropolitan Police force of the District of Columbia shall bear a distinctive patch, pin, or other emblem depicting the flag of the United States or the colors thereof.

(b) The Secretary of the Interior in the case of the United States Park Police force, the Secretary of the Treasury in the case of the United States Secret Service Uniformed Division, the Capitol Police Board in the case of the Capitol Police, and the Mayor of the District of Columbia in the case of the Metropolitan Police force shall prescribe such regulations as may be necessary to carry out the purposes of this section.

(Pub. L. 91-297, title II, §201(a), (b), June 30, 1970, 84 Stat. 357; Pub. L. 93-198, title IV, §421, Dec. 24, 1973, 87 Stat. 789; Pub. L. 95-179, Nov. 15, 1977, 91 Stat. 1371.)

AMENDMENTS

1977—Pub. L. 95-179 substituted “United States Secret Service Uniformed Division” for “Executive Protective Service” wherever appearing.

EFFECTIVE DATE

Section 201(c) of Pub. L. 91-297 provided that: “This section [enacting this section] shall take effect one hundred and eighty days after the date of enactment of this title [June 30, 1970].”

TRANSFER OF FUNCTIONS

Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198. Accordingly, “Mayor” substituted in text for “commissioner”.

§ 211. Uniform; at whose expense; Capitol Police

The members of the Capitol police shall furnish, at their own expense, each his own uniform, which shall be in exact conformity to that required by regulation of the Sergeants at Arms.

(R.S. §1825.)

CODIFICATION

R.S. §1825 derived from act July 20, 1868, ch. 176, §1, 15 Stat. 94.

§ 212. Wearing uniform on duty; Capitol Police

The officers, privates, and watchmen of the Capitol police shall, when on duty, wear the regulation uniform.

(Mar. 18, 1904, ch. 716, §1, 33 Stat. 89.)

CODIFICATION

The text of this section was taken from act Mar. 18, 1904, popularly known as the “Legislative, Executive and Judicial Appropriation Act for the fiscal year ending June 30, 1905”. Similar provisions were contained in the following prior appropriation acts:

Feb. 25, 1903, ch. 755, §1, 32 Stat. 857.

Mar. 3, 1901, ch. 830, §1, 31 Stat. 963.

§ 212a. Policing of Capitol Buildings and Grounds; powers of Capitol Police; arrests by Capitol Police for crimes of violence; arrests by District of Columbia police

(a) The Capitol Police shall police the United States Capitol Buildings and Grounds under the

direction of the Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, and shall have the power to enforce the provisions of sections 193a to 193m, 212a, 212a-2, and 212b of this title¹ and regulations promulgated under section 212b of this title, and to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto: *Provided*, That for the fiscal year for which appropriations are made by this Act the Capitol Police shall have the additional authority to make arrests within the District of Columbia for crimes of violence, as defined in section 16 of title 18, committed within the Capitol Buildings and Grounds and shall have the additional authority to make arrests, without a warrant, for crimes of violence, as defined in section 16 of title 18, committed in the presence of any member of the Capitol Police performing official duties: *Provided further*, That the Metropolitan Police force of the District of Columbia are authorized to make arrests within the United States Capitol Buildings and Grounds for any violation of any such laws or regulations, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Capitol Police Board, to enter such buildings to make arrests in response to complaints or to serve warrants or to patrol the United States Capitol Buildings and Grounds. For the purpose of this section, the word “grounds” shall include the House Office Buildings parking areas and that part or parts of property which have been or hereafter are acquired in the District of Columbia by the Architect of the Capitol, or by an officer of the Senate or the House, by lease, purchase, intergovernment transfer, or otherwise, for the use of the Senate, the House, or the Architect of the Capitol.

(b)² For purposes of this section, “the United States Capitol Buildings and Grounds” shall include any building or facility acquired by the Sergeant at Arms of the Senate for the use of the Senate for which the Sergeant at Arms of the Senate has entered into an agreement with the United States Capitol Police for the policing of the building or facility.

(b)² For purposes of this section, “the United States Capitol Buildings and Grounds” shall include any building or facility acquired by the Chief Administrative Officer of the House of Representatives for the use of the House of Representatives for which the Chief Administrative Officer has entered into an agreement with the United States Capitol Police for the policing of the building or facility.

(July 31, 1946, ch. 707, §9, 60 Stat. 719; Pub. L. 93-198, title VII, §739(g)(4), (5), Dec. 24, 1973, 87 Stat. 829; Pub. L. 101-520, title I, §106, formerly §106(a), Nov. 5, 1990, 104 Stat. 2264, renumbered §106 and amended Pub. L. 102-392, title III, §310, Oct. 6, 1992, 106 Stat. 1723; Pub. L. 102-397, title

¹ So in original. Citation probably should include references to sections 207a and 212a-3.

² So in original. Two subsecs. (b) have been enacted.

I, § 103, Oct. 6, 1992, 106 Stat. 1950; Pub. L. 107-117, div. B, §§ 901(c)(2), 903(c)(2), Jan. 10, 2002, 115 Stat. 2316, 2317.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), probably means Pub. L. 101-520, Nov. 5, 1990, 104 Stat. 2254, known as the Legislative Branch Appropriations Act, 1991, which amended this section generally. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2002—Pub. L. 107-117, §§ 901(c)(2)(A), 903(b)(2)(A), amended section identically, inserting “(a)” before “The Capitol Police shall police”.

Subsec. (b). Pub. L. 107-117, § 903(c)(2)(B), added subsec. (b) relating to buildings or facilities acquired by the Chief Administrative Officer of the House of Representatives.

Pub. L. 107-117, § 901(c)(2)(B), added subsec. (b) relating to buildings or facilities acquired by the Sergeant at Arms of the Senate.

1992—Pub. L. 102-392 and Pub. L. 102-397 amended directory language of Pub. L. 101-520 identically. See 1990 Amendment note below.

1990—Pub. L. 101-520, as amended by Pub. L. 102-392 and Pub. L. 102-397, amended section generally. Prior to amendment, section read as follows: “The Capitol Police shall police the United States Capitol Buildings and Grounds under the direction of the Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, and shall have the power to enforce the provisions of sections 193a to 193m, 212a, 212a-2, and 212b of this title and regulations promulgated under section 212b of this title, and to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto: *Provided*, That the Metropolitan Police force of the District of Columbia are authorized to make arrests within the United States Capitol Buildings and Grounds for any violations of any such laws or regulations, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Capitol Police Board, to enter such buildings to make arrests in response to complaints or to serve warrants or to patrol the United States Capitol Buildings and Grounds. For the purpose of this section, the word ‘grounds’ shall include the House Office Building parking area.”

1973—Pub. L. 93-198 inserted reference to violations of any law of the District of Columbia and struck out “, with the exception of the streets and roadways shown on the map referred to in section 193a of this title as being under the jurisdiction and control of the Commissioners of the District of Columbia” after “or to patrol the United States Capitol Buildings and Grounds”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by section 901(c)(2) of Pub. L. 107-117 applicable with respect to fiscal year 2002 and each succeeding fiscal year, see section 174b-2(e) of this title.

Amendment by section 903(c)(2) of Pub. L. 107-117 applicable with respect to fiscal year 2002 and each succeeding fiscal year, see section 175a(e) of this title.

EFFECTIVE DATE OF 1992 AMENDMENTS

Section 103 of Pub. L. 102-397 provided that the amendment made by that section is effective Nov. 5, 1990.

Section 310 of Pub. L. 102-392 provided that the amendment made by that section is effective Nov. 5, 1990.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 771 of Pub. L. 93-198 provided that the amendment made by Pub. L. 93-198 is effective on Jan. 2, 1975,

if a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum accepted the charter set out in title IV of Pub. L. 93-198, Dec. 24, 1973, 87 Stat. 785. The charter was approved by the voters on May 7, 1974.

JURISDICTION OF UNITED STATES CAPITOL POLICE OVER TEMPORARY PARKING AREAS DURING CONSTRUCTION OF JUDICIARY ANNEX BUILDING

Pub. L. 101-302, title III, § 313, May 25, 1990, 104 Stat. 245, provided that:

“(a) The supervision and jurisdiction of the United States Capitol Police shall extend over any area with respect to which the Architect of the Capitol has contracted, or otherwise entered into an agreement, for parking space in the Union Station parking garage to accommodate personnel of the United States Senate whose parking privileges have been affected by the construction of the Judiciary Annex Building, and over any area and streets necessary to carry out such supervision and to travel between such parking area and the United States Capitol Grounds.

“(b) In carrying out such supervision, the United States Capitol Police shall have, within any such area or street, jurisdiction, concurrent with that of the Metropolitan Police of the District of Columbia, to provide security for such personnel and property of such personnel and of the United States Senate within such area or street, and to make arrests for the violation of the laws and regulations of the United States and the District of Columbia.

“(c) The provisions of subsections (a) and (b) shall be effective only during the period that there is in effect a contract or other agreement as referred to in subsection (a).”

EXTENSION OF UNITED STATES CAPITOL POLICE SUPERVISION

Pub. L. 95-175, Nov. 14, 1977, 91 Stat. 1362, provided: “That the supervision of the United States Capitol Police shall extend over that part or parts of the premises located at 600 Pennsylvania Avenue, Southeast, Washington, District of Columbia, leased by the Office of Technology Assessment. In carrying out such supervision, the United States Capitol Police shall have within such part or parts jurisdiction, concurrent with that of the Metropolitan Police of the District of Columbia, to provide security for the personnel and property of the Office of Technology Assessment within such leased premises, and to make arrest therein for the violation of the laws and regulations of the United States and the District of Columbia.”

POLICE MOTOR VEHICLES USED BY INSTRUCTOR PERSONNEL WHILE ON ASSIGNMENT TO FEDERAL LAW ENFORCEMENT TRAINING CENTER

Pub. L. 95-26, title I, § 113, May 4, 1977, 91 Stat. 87, provided that: “The Chairman of the Capitol Police Board is authorized, subject to such conditions as he may impose, to authorize the assignment of a police motor vehicle for use by instructor personnel of the Capitol Police Force while assigned to the Federal Law Enforcement Training Center.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b-1, 184a, 193h, 193i, 193l, 193m, 212c of this title.

§ 212a-1. Capitol Grounds and Library of Congress Grounds; detail of police

The Capitol Police Board is authorized to detail police from the House Office, Senate Office, and Capitol Buildings for police duty on the Capitol Grounds and on the Library of Congress Grounds.

(Pub. L. 96-432, § 5, Oct. 10, 1980, 94 Stat. 1853.)

CODIFICATION

Provisions of this section were enacted as permanent law in Pub. L. 96-432. Similar fiscal year provisions were contained in the following appropriation acts and have not been repeated since 1983:

- Pub. L. 98-51, title I, §112, July 14, 1983, 97 Stat. 271.
 Pub. L. 97-276, §101(e) [S. 2939, title I], Oct. 2, 1982, 96 Stat. 1189.
 Pub. L. 97-51, §101(c) [H.R. 4120, title I], Oct. 1, 1981, 95 Stat. 959.
 Pub. L. 96-536, §101(c) [H.R. 7593, title I], Dec. 16, 1980, 94 Stat. 3167.
 Pub. L. 95-391, title I, Sept. 30, 1978, 92 Stat. 780.
 Pub. L. 95-94, title I, Aug. 5, 1977, 91 Stat. 671.
 Pub. L. 94-440, title III, Oct. 1, 1976, 90 Stat. 1451.
 Pub. L. 94-59, title III, July 25, 1975, 89 Stat. 285.
 Pub. L. 93-371, Aug. 13, 1974, 88 Stat. 436.
 Pub. L. 93-145, Nov. 1, 1973, 87 Stat. 539.
 Pub. L. 92-342, July 10, 1972, 86 Stat. 441.
 Pub. L. 92-51, July 9, 1971, 85 Stat. 136.
 Pub. L. 91-382, Aug. 18, 1970, 84 Stat. 817.
 Pub. L. 91-145, Dec. 12, 1969, 83 Stat. 350.
 Pub. L. 90-417, July 23, 1968, 82 Stat. 406.
 Pub. L. 90-57, July 28, 1967, 81 Stat. 135.
 Pub. L. 89-545, Aug. 27, 1966, 80 Stat. 363.
 Pub. L. 89-90, July 27, 1965, 79 Stat. 275.
 Pub. L. 88-454, Aug. 20, 1964, 78 Stat. 544.
 Pub. L. 88-248, Dec. 30, 1963, 77 Stat. 811.
 Pub. L. 87-730, §104, Oct. 2, 1962, 76 Stat. 694.
 Pub. L. 87-130, §104, Aug. 10, 1961, 75 Stat. 334.
 Pub. L. 86-628, §104, July 12, 1960, 74 Stat. 460.
 Pub. L. 86-176, §104, Aug. 21, 1959, 73 Stat. 412.
 Pub. L. 85-570, §104, July 31, 1958, 72 Stat. 453.
 Pub. L. 85-75, §104, July 1, 1957, 71 Stat. 256.
 June 27, 1956, ch. 453, §104, 70 Stat. 370.
 Aug. 5, 1955, ch. 568, §104, 69 Stat. 520.
 July 2, 1954, ch. 455, title I, §104, 68 Stat. 409.
 Aug. 1, 1953, ch. 304, title I, §106, 67 Stat. 332.
 July 9, 1952, ch. 598, §106, 66 Stat. 478.
 Oct. 11, 1951, ch. 485, §106, 65 Stat. 403.
 Sept. 6, 1950, ch. 896, §106, 64 Stat. 608.
 June 22, 1949, ch. 235, §106, 63 Stat. 230.
 June 14, 1948, ch. 467, §106, 62 Stat. 437.
 July 17, 1947, ch. 262, §106, 61 Stat. 377.
 July 1, 1946, ch. 530, §106, 60 Stat. 408.
 June 13, 1945, ch. 189, §106, 59 Stat. 259.
 June 26, 1944, ch. 277, title I, §105, 58 Stat. 354.
 June 28, 1943, ch. 173, title I, 57 Stat. 230.
 June 8, 1942, ch. 396, 56 Stat. 340.
 July 1, 1941, ch. 268, 55 Stat. 456.
 June 18, 1940, ch. 396, 54 Stat. 471.
 June 16, 1939, ch. 208, 53 Stat. 831.
 May 17, 1938, ch. 236, 52 Stat. 390.

§ 212a-2. Protection of Members of Congress, officers of Congress, and members of their families

(a) Authority of the Capitol Police

Subject to the direction of the Capitol Police Board, the United States Capitol Police is authorized to protect, in any area of the United States, the person of any Member of Congress, officer of the Congress, as defined in section 60-1(b) of title 2, and any member of the immediate family of any such Member or officer, if the Capitol Police Board determines such protection to be necessary.

(b) Detail of police

In carrying out its authority under this section, the Capitol Police Board, or its designee, is authorized, in accordance with regulations issued by the Board pursuant to this section, to detail, on a case-by-case basis, members of the United States Capitol Police to provide such protection as the Board may determine necessary under this section.

(c) Arrest of suspects

In the performance of their protective duties under this section, members of the United States Capitol Police are authorized (1) to make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and (2) to utilize equipment and property of the Capitol Police.

(d) Fines and penalties

Whoever knowingly and willfully obstructs, resists, or interferes with a member of the Capitol Police engaged in the performance of the protective functions authorized by this section, shall be fined not more than \$300 or imprisoned not more than one year, or both.

(e) Construction of provisions

Nothing contained in this section shall be construed to imply that the authority, duty, and function conferred on the Capitol Police Board and the United States Capitol Police are in lieu of or intended to supersede any authority, duty, or function imposed on any Federal department, agency, bureau, or other entity, or the Metropolitan Police of the District of Columbia, involving the protection of any such Member, officer, or family member.

(f) "United States" defined

As used in this section, the term "United States" means each of the several States of the United States, the District of Columbia, and territories and possessions of the United States.

(July 31, 1946, ch. 707, §9A, as added Pub. L. 97-143, §1(a), Dec. 29, 1981, 95 Stat. 1723.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b-1, 184a, 193h, 193i, 193k, 193l, 193m, 212a, 212c of this title.

§ 212a-3. Law enforcement authority of Capitol Police

(a) Scope

Subject to such regulations as may be prescribed by the Capitol Police Board and approved by the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, a member of the Capitol Police shall have authority to make arrests and otherwise enforce the laws of the United States, including the laws of the District of Columbia—

(1) within the District of Columbia, with respect to any crime of violence committed within the United States Capitol Grounds;

(2) within the District of Columbia, with respect to any crime of violence committed in the presence of the member, if the member is in the performance of official duties when the crime is committed;

(3) within the District of Columbia, to prevent imminent loss of life or injury to person or property, if the officer is in the performance of official duties when the authority is exercised; and

(4) within the area described in subsection (b) of this section.

(b) Area

The area referred to in subsection (a)(4) of this section is that area bounded by the north curb of H Street from 3rd Street, N.W. to 7th Street, N.E., the east curb of 7th Street from H Street, N.E., to M Street, S.E., the south curb of M Street from 7th Street, S.E. to 1st Street, S.E., the east curb of 1st Street from M Street, S.E. to Potomac Avenue S.E., the southeast curb of Potomac Avenue from 1st Street, S.E. to South Capitol Street, S.W., the west curb of South Capitol Street from Potomac Avenue, S.W. to P Street, S.W., the north curb of P Street from South Capitol Street, S.W. to 3rd Street, S.W., and the west curb of 3rd Street from P Street, S.W. to H Street, N.W.

(c) Authority of Metropolitan Police unaffected

This section does not affect the authority of the Metropolitan Police force of the District of Columbia with respect to the area described in subsection (b) of this section.

(d) "Crime of violence" defined

As used in this section, the term "crime of violence" has the meaning given that term in section 16 of title 18.

(July 31, 1946, ch. 707, §9B, as added Pub. L. 102-397, title I, §101, Oct. 6, 1992, 106 Stat. 1949; amended Pub. L. 104-186, title II, §221(13), Aug. 20, 1996, 110 Stat. 1750.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-186 substituted "House Oversight" for "House Administration".

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b-1, 184a, 193h, 193i, 193l, 193m, 212c of this title.

§ 212a-4. Security systems for Capitol buildings and grounds**(a) Design and installation**

(1) Effective October 1, 1995, the unexpended balances of appropriations specified in paragraph (2) are transferred to the appropriation for general expenses of the Capitol Police, to be used for design and installation of security systems for the Capitol buildings and grounds.

(2) The unexpended balances referred to in paragraph (1) are—

(A) the unexpended balance of appropriations for security installations, as referred to in the paragraph under the heading "CAPITOL BUILDINGS", under the general headings "JOINT ITEMS", "ARCHITECT OF THE CAPITOL", and "CAPITOL BUILDINGS AND GROUNDS" in title I of the Legislative Branch Appropriations Act, 1995 (108 Stat. 1434), including any unexpended balance from a prior fiscal year and any unexpended balance under such headings in this Act; and

(B) the unexpended balance of the appropriation for an improved security plan, as transferred to the Architect of the Capitol by sec-

tion 102 of the Legislative Branch Appropriations Act, 1989 (102 Stat. 2165).

(b) Transfer of responsibility to Capitol Police Board

Effective October 1, 1995, the responsibility for design and installation of security systems for the Capitol buildings and grounds is transferred from the Architect of the Capitol to the Capitol Police Board. Such design and installation shall be carried out under the direction of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, and without regard to section 5 of title 41. On and after October 1, 1995, any alteration to a structural, mechanical, or architectural feature of the Capitol buildings and grounds that is required for a security system under the preceding sentence may be carried out only with the approval of the Architect of the Capitol.

(c) Transfer of positions to Capitol Police

(1) Effective October 1, 1995, all positions specified in paragraph (2) and each individual holding any such position (on a permanent basis) immediately before that date, as identified by the Architect of the Capitol, shall be transferred to the Capitol Police.

(2) The positions referred to in paragraph (1) are those positions which, immediately before October 1, 1995, are—

(A) under the Architect of the Capitol;

(B) within the Electronics Engineering Division of the Office of the Architect of the Capitol; and

(C) related to the design or installation of security systems for the Capitol buildings and grounds.

(3) All annual leave and sick leave standing to the credit of an individual immediately before such individual is transferred under paragraph (1) shall be credited to such individual, without adjustment, in the new position of the individual.

(Pub. L. 104-53, title III, §308, Nov. 19, 1995, 109 Stat. 537.)

REFERENCES IN TEXT

The paragraph under the heading "CAPITOL BUILDINGS", under the general headings "JOINT ITEMS", "ARCHITECT OF THE CAPITOL", and "CAPITOL BUILDINGS AND GROUNDS" in title I of the Legislative Branch Appropriations Act, 1995, referred to in subsec. (a)(2)(A), is contained in Pub. L. 103-283, title I, July 22, 1994, 108 Stat. 1423, 1434, and is not classified to the Code.

This Act, referred to in subsec. (a)(2)(A), is Pub. L. 104-53, Nov. 19, 1995, 109 Stat. 514, known as the Legislative Branch Appropriations Act, 1996. Provisions under such headings in this Act appear at 109 Stat. 527, and are not classified to the Code.

Section 102 of the Legislative Branch Appropriations Act, 1989, referred to in subsec. (a)(2)(B), is section 102 of Pub. L. 100-458, title I, Oct. 1, 1988, 102 Stat. 2165, which is not classified to the Code.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 212a-4a. Maintenance of security systems for Capitol buildings and grounds

(a) Effective October 1, 1996, the responsibility for maintenance of security systems for the Capitol buildings and grounds is transferred from the Architect of the Capitol to the Capitol Police Board. Such maintenance shall be carried out under the direction of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate. On and after October 1, 1996, any alteration to a structural, mechanical, or architectural feature of the Capitol buildings and grounds that is required for security system maintenance under the preceding sentence may be carried out only with the approval of the Architect of the Capitol.

(b)(1) Effective October 1, 1996, all positions specified in paragraph (2) and each individual holding any such position (on a permanent basis) immediately before that date, as identified by the Architect of the Capitol, shall be transferred to the Capitol Police.

(2) The positions referred to in paragraph (1) are those positions which, immediately before October 1, 1996, are—

(A) under the Architect of the Capitol;

(B) within the Electronics Engineering Division of the Office of the Architect of the Capitol; and

(C) related to the maintenance of security systems for the Capitol buildings and grounds.

(3) All annual leave and sick leave standing to the credit of an individual immediately before such individual is transferred under paragraph (1) shall be credited to such individual, without adjustment, in the new position of the individual.

(Pub. L. 104-197, title III, §308, Sept. 16, 1996, 110 Stat. 2413.)

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 212a-5. Capitol Police citation release

(a) In general

The Chief of the Capitol Police, with the approval of the Capitol Police Board, may designate a member of the Capitol Police to have responsibility for citation release.

(b) Authority

(1) In the same manner as provided for with respect to an official of the Metropolitan Police Department of the District of Columbia under section 23-1110(a) of the District of Columbia Code, the Superior Court of the District of Columbia shall have the authority to appoint the member of the Capitol Police designated under subsection (a) of this section to take bail or collateral from persons charged with offenses triable in the Superior Court of the District of Columbia. Pursuant to that authority—

(A) the citation power described in subsection (b) of section 23-1110 of the District of Columbia Code shall be exercised by such member of the Capitol Police in the same

manner as by an official of the Metropolitan Police Department; and

(B) paragraph (4) of subsection (b) of section 23-1110 of the District of Columbia Code, relating to failure to appear, shall apply with respect to citations under subparagraph (A) of this paragraph.

(2) The United States District Court for the District of Columbia shall have the power to authorize the member of the Capitol Police referred to in subsection (a) of this section to take bond from persons arrested upon writs and process from that court in criminal cases in the same manner as provided for with respect to an official of the Metropolitan Police Department of the District of Columbia under the third sentence of section 23-1110(a) of the District of Columbia Code.

(Pub. L. 104-186, title I, §108, Aug. 20, 1996, 110 Stat. 1723.)

§ 212b. Regulation of traffic by Capitol Police Board

(a) Exclusive charge and control of all vehicular and other traffic

The Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, shall have exclusive charge and control of the regulation and movement of all vehicular and other traffic, including the parking and impounding of vehicles and limiting the speed thereof, within the United States Capitol Grounds; and said Board is authorized and empowered to make and enforce all necessary regulations therefor and to prescribe penalties for violation of such regulations, such penalties not to exceed a fine of \$300 or imprisonment for not more than ninety days. Notwithstanding the foregoing provisions of this section those provisions of the District of Columbia Traffic Act of 1925, as amended, for the violation of which specific penalties are provided in said Act, as amended, shall be applicable to the United States Capitol Grounds. Prosecutions for violation of such regulations shall be in the Superior Court of the District of Columbia, upon information by the Corporation Counsel of the District of Columbia or any of his assistants.

(b) Promulgation of regulations

Regulations authorized to be promulgated under this section shall be promulgated by the Capitol Police Board and such regulations may be amended from time to time by the Capitol Police Board whenever it shall deem it necessary: *Provided*, That until such regulations are promulgated and become effective, the traffic regulations of the District of Columbia shall be applicable to the United States Capitol Grounds.

(c) Printing of regulations and effective dates

All regulations promulgated under the authority of this section shall, when adopted by the Capitol Police Board, be printed in one or more of the daily newspapers published in the District of Columbia, and shall not become effective until the expiration of ten days after the date of such publication, except that whenever the Cap-

itol Police Board deems it advisable to make effective immediately any regulation relating to parking, diverting of vehicular traffic, or the closing of streets to such traffic, the regulation shall be effective immediately upon placing at the point where it is to be in force conspicuous signs containing a notice of the regulation. Any expenses incurred under this subsection shall be payable from the appropriation "Uniforms and Equipment, Capitol Police".

(d) Cooperation with Mayor of District of Columbia

It shall be the duty of the Mayor of the District of Columbia, or any officer or employee of the government of the District of Columbia designated by said Mayor upon request of the Capitol Police Board, to cooperate with the Board in the preparation of the regulations authorized to be promulgated under this section, and any future amendments thereof.

(July 31, 1946, ch. 707, §14, 60 Stat. 720; July 11, 1947, ch. 221, 61 Stat. 308; Pub. L. 87-873, §1, Oct. 23, 1962, 76 Stat. 1171; Pub. L. 88-60, §1, July 8, 1963, 77 Stat. 77; 1967 Reorg. Plan No. 3, §401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 91-358, title I, §155(a), July 29, 1970, 84 Stat. 570; Pub. L. 93-198, title IV, §421, title VII, §739(g)(6), Dec. 24, 1973, 87 Stat. 789, 829.)

REFERENCES IN TEXT

The District of Columbia Traffic Act of 1925, as amended, referred to in subsec. (a), is act Mar. 3, 1925, ch. 443, 43 Stat. 1119, as amended, which is not classified to the Code.

AMENDMENTS

1973—Subsec. (a). Pub. L. 93-198, §739(g)(6), struck out " , except on those streets and roadways shown on the map referred to in section 193a of this title as being under the jurisdiction and control of the Commissioner of the District of Columbia".

1947—Subsec. (b). Act July 11, 1947, §1, struck out reference to six months after July 31, 1946, as the time for promulgation of regulations and authorized amendment of regulations.

Subsec. (c). Act July 11, 1947, §2, authorized certain traffic regulations to be effective immediately upon placing conspicuous signs containing notice of regulations at the places affected thereby and inserted provision for payment of expenses.

CHANGE OF NAME

"District of Columbia Court of General Sessions" changed to "Superior Court of the District of Columbia" pursuant to Pub. L. 91-358, which provided that such change is effective first day of seventh calendar month which begins after July 29, 1970.

Pub. L. 87-873, §1, Oct. 23, 1962, 76 Stat. 1171 and Pub. L. 88-60, §1, July 8, 1963, 77 Stat. 77, both redesignated the "Municipal Court for the District of Columbia" as the "District of Columbia Court of General Sessions".

EFFECTIVE DATE OF 1973 AMENDMENT

Section 771 of Pub. L. 93-198 provided that the amendment made by Pub. L. 93-198 is effective on Jan. 2, 1975, if a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum accepted the charter set out in title IV of Pub. L. 93-198, Dec. 24, 1973, 87 Stat. 785. The charter was approved by the voters on May 7, 1974.

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3, of 1967, functions of Board of Commissioners of District of

Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198. Accordingly, "Mayor" substituted in subsec. (d) for "commissioner".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b-1, 184a, 193h, 193i, 193m, 212a, 212c of this title.

§ 212c. Assistance by Executive departments and agencies to the Capitol Police

(a) Assistance

(1) In general

Executive departments and Executive agencies may assist the United States Capitol Police in the performance of its duties by providing services (including personnel), equipment, and facilities on a temporary and reimbursable basis when requested by the Capitol Police Board and on a permanent and reimbursable basis upon advance written request of the Capitol Police Board; except that the Department of Defense and the Coast Guard may provide such assistance on a temporary basis without reimbursement when assisting the United States Capitol Police in its duties directly related to protection under sections 193a to 193m, 207a, 212a, 212a-2, 212a-3, and 212b of this title. Before making a request under this paragraph, the Capitol Police Board shall consult with appropriate Members of the Senate and House of Representatives in leadership positions, except in an emergency.

(2) Procurement

No services (including personnel), equipment, or facilities may be ordered, purchased, leased, or otherwise procured for the purposes of carrying out the duties of the United States Capitol Police by persons other than officers or employees of the Federal Government duly authorized by the Chairman of the Capitol Police Board to make such orders, purchases, leases, or procurements.

(3) Expenditures or obligation of funds

No funds may be expended or obligated for the purpose of carrying out this section other than funds specifically appropriated to the Capitol Police Board or the United States Capitol Police for those purposes with the exception of—

(A) expenditures made by the Department of Defense or the Coast Guard from funds appropriated to the Department of Defense or the Coast Guard in providing assistance on a temporary basis to the United States Capitol Police in the performance of its duties directly related to protection under sections 193a to 193m, 207a, 212a, 212a-2, 212a-3, and 212b of this title; and

(B) expenditures made by Executive departments and agencies, in providing assistance at the request of the United States Capitol Police in the performance of its duties, and which will be reimbursed by the United States Capitol Police under this section.

(4) Provision of assistance

Assistance under this section shall be provided—

(A) consistent with the authority of the Capitol Police under sections 212a and 212a-2 of this title;

(B) upon the advance written request of—

(i) the Capitol Police Board; or

(ii) in an emergency—

(I) the Sergeant at Arms and Doorkeeper of the Senate in any matter relating to the Senate; or

(II) the Sergeant at Arms of the House of Representatives in any matter relating to the House of Representatives; and

(C)(i) on a temporary and reimbursable basis;

(ii) on a permanent reimbursable basis upon advance written request of the Capitol Police Board; or

(iii) on a temporary basis without reimbursement by the Department of Defense and the Coast Guard as described under paragraph (1).

(b) Reports**(1) Submission**

With respect to any fiscal year in which an executive department or executive agency provides assistance under this section, the head of that department or agency shall submit a report not later than 90 days after the end of the fiscal year to the Chairman of the Capitol Police Board.

(2) Content

The report submitted under paragraph (1) shall contain a detailed account of all expenditures made by the Executive department or executive agency in providing assistance under this section during the applicable fiscal year.

(3) Summary

After receipt of all reports under paragraph (2) with respect to any fiscal year, the Chairman of the Capitol Police Board shall submit a summary of such reports to the Committees on Appropriations of the Senate and the House of Representatives.

(c) Effective date

This section shall take effect on January 10, 2002, and apply to each fiscal year occurring after such date.

(Pub. L. 107-117, div. B, §911, Jan. 10, 2002, 115 Stat. 2322.)

REFERENCES IN TEXT

Sections 193a to 193m, 207a, 212a, 212a-2, 212a-3, and 212b of this title, referred to subsec. (a)(1), (3)(A), was in the original a reference to “the Act of July 31, 1946 (40 U.S.C. 212a-2)”. The act July 31, 1946, ch. 707, 60 Stat. 718, as amended, enacted sections 193a to 193m, 207a, 212a, 212a-2, 212a-3, and 212b of this title and provisions set out as notes under sections 193a and 193h of this title. For complete classification of this Act to the Code, see Tables.

§ 213. Repealed. July 31, 1946, ch. 707, § 15, 60 Stat. 720

Section, act May 28, 1896, ch. 252, 29 Stat. 143, related to policing of Capitol buildings and grounds. See section 212a of this title.

OFFENSES COMMITTED PRIOR TO JULY 31, 1946

Prosecution of offenses committed prior to repeal of section, see section 15 of act July 31, 1946, set out as a note under section 193h of this title.

§ 213a. Omitted

CODIFICATION

Section, act July 1, 1946, ch. 530, §106, 60 Stat. 408, which authorized the Capitol Police Board to detail police for duty on the Capitol grounds, was omitted as not repeated in subsequent appropriation acts. See section 212a-1 of this title. Similar provisions were contained in the following prior appropriation acts:

June 13, 1945, ch. 189, §106, 59 Stat. 259.

June 26, 1944, ch. 277, title I, §105, 58 Stat. 354.

June 28, 1943, ch. 173, title I, 57 Stat. 230.

June 8, 1942, ch. 396, 56 Stat. 340.

July 1, 1941, ch. 268, 55 Stat. 456.

June 18, 1940, ch. 396, 54 Stat. 471.

June 16, 1939, ch. 208, 53 Stat. 831.

May 17, 1938, ch. 236, 52 Stat. 390.

§ 214. Protection of grounds

It shall be the duty of the Capitol police on and after April 29, 1876, to prevent any portion of the Capitol Grounds and terraces from being used as playgrounds or otherwise, so far as may be necessary to protect the public property, turf and grass from destruction or injury.

(Apr. 29, 1876, ch. 86, 19 Stat. 41.)

§ 214a. Omitted

CODIFICATION

Section, Pub. L. 89-698, title IV, §401, Oct. 29, 1966, 80 Stat. 1072; 1967 Reorg. Plan No. 3, §401, eff. Aug. 11, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title IV, §421, Dec. 24, 1973, 87 Stat. 789, authorized the Architect of the Capitol to permit the Mayor of the District of Columbia to operate for recreational purposes only the land known as Square 732 in the District of Columbia as long as such land is not required for building or other purposes by the Architect. Pub. L. 89-260, Oct. 19, 1965, 79 Stat. 987, as amended, set out as a note under section 141 of Title 2, The Congress, authorized the construction in square 732 of the Library of Congress James Madison Memorial Building. Funds for construction were appropriated and the building was built.

§ 214b. Designation of Capitol grounds as play area for children of Members and employees of Senate or House of Representatives**(a) Authority of Capitol Police Board**

Notwithstanding any other provision of law and subject to the provisions of paragraph (1) of subsection (b) of this section, the Capitol Police Board is authorized to designate certain portions of the Capitol grounds (other than a portion within the area bounded on the North by Constitution Avenue, on the South by Independence Avenue, on the East by First Street, and on the West by First Street) for use exclusively as play areas for the benefit of children attending a day care center which is established for the primary purpose of providing child care for the children of Members and employees of the Senate or the House of Representatives.

(b) Required approval; fences; termination of authority

(1) In the case of any such designation referred to in subsection (a) of this section involving a

day care center established for the benefit of children of Members and employees of the Senate, the designation shall be with the approval of the Senate Committee on Rules and Administration, and in the case of such a center established for the benefit of children of Members and employees of the House of Representatives, the designation shall be with the approval of the House Committee on House Oversight, with the concurrence of the House Office Building Commission.

(2) The Architect of the Capitol shall enclose with a fence any area designated pursuant to subsection (a) of this section as a play area.

(3) The authority to use an area designated pursuant to subsection (a) of this section as a play area may be terminated at any time by the Committee which approved such designation.

(c) Playground equipment; required approval

Nothing in this or any other Act shall be construed as prohibiting any day care center referred to in subsection (a) of this section from placing playground equipment within an area designated pursuant to subsection (a) of this section for use solely in connection with the operation of such center, subject to, in the case of a day care center established for the benefit of children of Members and employees of the Senate, the approval of the Senate Committee on Rules and Administration, and in the case of such a center established for the benefit of children of Members and employees of the House of Representatives, the approval of the House Committee on House Oversight, with the concurrence of the House Office Building Commission.

(d) Day care center

The day care center referred to in S. Res. 269, Ninety-eighth Congress, first session, is a day care center for which space may be designated under subsection (a) of this section for use as a play area.

(Pub. L. 98-392, §3, Aug. 21, 1984, 98 Stat. 1362; Pub. L. 104-186, title II, §221(14), Aug. 20, 1996, 110 Stat. 1750.)

REFERENCES IN TEXT

This Act, referred to in subsec. (c), is Pub. L. 98-392, Aug. 21, 1984, 98 Stat. 1362, which enacted this section and amended section 2107 of Title 20, Education. For complete classification of this Act to the Code, see Tables.

S. Res. 269, Ninety-eighth Congress, first session, referred to in subsec. (d), is dated Nov. 14, 1983, and reads as follows: “*Resolved*, That payment is authorized from the contingent fund of the Senate in an amount not to exceed \$20,000 for the start-up costs, including the procurement of the services of individual consultants or organizations, for a Senate day care center, which shall be ready for occupancy by January 1, 1984.

“SEC. 2. Payments under this resolution shall be paid from the appropriation account for ‘Miscellaneous Items’ in the contingent fund of the Senate upon vouchers approved by the chairman of the Committee on Rules and Administration.

“SEC. 3. The Committee on Rules and Administration shall supervise any contract entered into on behalf of the Senate, under authority of this resolution. Such contract shall not be subject to the provisions of section 5 of title 41 of the United States Code or any other provision of law requiring advertising.”

AMENDMENTS

1996—Subsecs. (b)(1), (c). Pub. L. 104-186 substituted “House Oversight” for “House Administration”.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 214c, 214d of this title.

§ 214c. Senate Employee Child Care Center

(a) Applicability of provisions

The provisions of this section shall apply to any individual who is employed by the Senate day care center (known as the “Senate Employee Child Care Center” and hereafter in this section referred to as the “Center”) established pursuant to Senate Resolution 269, Ninety-eighth Congress, and section 214b of this title.

(b) Employee election of health care insurance coverage

Any individual described under subsection (a) of this section who is employed by the Center on or after August 14, 1991, shall be deemed an employee under section 8901(1) of title 5 for purposes of health insurance coverage under chapter 89 of such title. An individual described under subsection (a) of this section who is an employee of the Center on August 14, 1991, may elect coverage under this subsection during the 31-day period beginning on August 14, 1991, and during such periods as determined by the Office of Personnel Management for employees of the Center employed after August 14, 1991.

(c) Deductions and withholding from employee pay

The Center shall make such deductions and withholdings from the pay of an individual described under subsection (a) of this section who is an employee of the Center in accordance with subsection (d) of this section.

(d) Employee records; amount of deductions

The Center shall—

(1) maintain records on all employees covered under this section in such manner as the Secretary of the Senate may require for administrative purposes; and

(2) after consultation with the Secretary of the Senate—

(A) make deductions from the pay of employees of amounts determined in accordance with section 8906 of title 5; and

(B) transmit such deductions to the Secretary of the Senate for deposit and remittance to the Office of Personnel Management.

(e) Government contributions

Government contributions for individuals receiving benefits under this section, as computed under section 8906 of title 5, shall be made by the Secretary of the Senate from the appropriations account, within the contingent fund of the Senate, “miscellaneous items”.

(f) Regulations

The Office of Personnel Management may prescribe regulations to carry out the provisions of this section.

(Pub. L. 102-90, title III, §311, Aug. 14, 1991, 105 Stat. 467.)

REFERENCES IN TEXT

For Senate Resolution 269, referred to in subsec. (a), see References in Text note set out under section 214b of this title.

§ 214d. Child care center employee benefits

(a) Election for coverage

The provisions of this section shall apply to any individual who—

(1)(A) on October 6, 1992, is employed by the Senate day care center (known as the “Senate Employee Child Care Center”) established pursuant to Senate Resolution 269, Ninety-eighth Congress, and section 214b of this title; and

(B) makes an election to be covered by this section with the Secretary of the Senate, no later than 60 days after October 6, 1992; or

(2) is hired by the Center after October 6, 1992, and makes an election to be covered by this section with the Secretary of the Senate, no later than 60 days after the date such individual begins employment.

(b) Payment of deposit; payroll deduction

(1) Any individual described under subsection (a) of this section may be credited,¹ under section 8411 of title 5 for service as an employee of the Senate day care center before January 1, 1993, if such employee makes a payment of the deposit under section 8411(f)(2) of such title without application of the provisions of section 8411(b)(3) of such title.

(2) An individual described under subsection (a) of this section shall be credited under section 8411 of title 5 for any service as an employee of the Senate day care center on or after October 6, 1992, if such employee has such amounts deducted and withheld from his pay as determined by the Office of Personnel Management (in accordance with regulations prescribed by such Office subject to subsection (h) of this section) which would be deducted and withheld from the basic pay of an employee under section 8422 of title 5.

(c) Survivor annuities and disability benefits

Notwithstanding any other provision of this section, any service performed by an individual described under subsection (a) of this section as an employee of the Senate day care center is deemed to be civilian service creditable under section 8411 of title 5 for purposes of qualifying for survivor annuities and disability benefits under subchapters IV and V of chapter 84 of such title, if such individual makes payment of an amount, determined by the Office of Personnel Management, which would have been deducted and withheld from the basic pay of such individual if such individual had been an employee subject to section 8422 of title 5 for such period so credited, together with interest thereon.

(d) Participation in Thrift Savings Plan

An individual described under subsection (a) of this section shall be deemed a congressional employee for purposes of chapter 84 of title 5 including subchapter III thereof and may make

contributions under section 8432 of such title effective for the first applicable pay period beginning on or after October 6, 1992.

(e) Life insurance coverage

An individual described under subsection (a) of this section shall be deemed an employee under section 8701(a)(3) of title 5 for purposes of life insurance coverage under chapter 87 of such title.

(f) Government contributions

Government contributions for individuals receiving benefits under this section, as computed under sections 8423, 8432, and 8708,² shall be made by the Secretary of the Senate from the appropriations account, within the contingent fund of the Senate, “Miscellaneous Items”.

(g) Certification of creditable service

The Office of Personnel Management shall accept the certification of the Secretary of the Senate concerning creditable service for the purpose of this section.

(h) Payment to center of amounts equal to Federal tax on employers

(1) Subject to the provisions of paragraph (2), the Secretary of the Senate shall pay such amounts to the Senate day care center equal to the tax on employers under section 3111 of title 26 with respect to each employee of the Senate day care center. Such payments shall be made from the appropriations account, within the contingent fund of the Senate, “Miscellaneous Items”.

(2) The Senate day care center shall provide appropriate documentation to the Secretary of the Senate of payment by such center of the tax described under paragraph (1), before the Secretary of the Senate may pay any amount to such center as provided under paragraph (1).

(i) Administrative provisions

The Center shall—

(1) consult with the Secretary of the Senate on the administration of this section;

(2) maintain records on all employees covered under this section in such manner as the Secretary of the Senate may require for administrative purposes;

(3) make deductions and withholdings from the pay of employees in the amounts determined under sections 8422, 8432, and 8707 of title 5; and

(4) transmit such deductions and withholdings to the Secretary of the Senate for deposit and remittance to the Office of Personnel Management.

(j) Regulations

The Office of Personnel Management may prescribe regulations to carry out the provisions of this section.

(Pub. L. 102-392, title III, §320, Oct. 6, 1992, 106 Stat. 1725; Pub. L. 103-50, ch. XII, §1203(a)(1), (b)(1), July 2, 1993, 107 Stat. 268.)

REFERENCES IN TEXT

For Senate Resolution 269, referred to in subsec. (a)(1)(A), see References in Text note set out under section 214b of this title.

¹ So in original. The comma probably should not appear.

² So in original. The words “of title 5” probably should precede the comma.

AMENDMENTS

1993—Subsec. (b)(1). Pub. L. 103-50, §1203(b)(1), substituted “January 1, 1993” for “October 6, 1992”.

Subsecs. (h) to (j). Pub. L. 103-50, §1203(a)(1), added subsec. (h) and redesignated former subsecs. (h) and (i) as (i) and (j), respectively.

EFFECTIVE DATE OF 1993 AMENDMENT

Section 1203(a)(2) of Pub. L. 103-50 provided that: “The amendments made by paragraph (1) [amending this section] shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act [July 2, 1993].”

Section 1203(b)(2) of Pub. L. 103-50 provided that: “The amendment made by paragraph (1) [amending this section] shall take effect on the date of the enactment of this Act [July 2, 1993].”

§ 214e. Reimbursement of Senate day care center employees

(a) Cost of training classes, conferences, and related expenses

Notwithstanding section 1345 of title 31, the Secretary of the Senate may reimburse any individual employed by the Senate day care center for the cost of training classes and conferences in connection with the provision of child care services and for travel, transportation, and subsistence expenses incurred in connection with the training classes and conferences.

(b) Documentation

The Senate day care center shall certify and provide appropriate documentation to the Secretary of the Senate with respect to any reimbursement under this section. Reimbursements under this section shall be made from the appropriations account “MISCELLANEOUS ITEMS” within the contingent fund of the Senate on vouchers approved by the Secretary of the Senate.

(c) Regulations and limitations

Reimbursements under this section shall be subject to the regulations and limitations prescribed by the Committee on Rules and Administration of the Senate for travel and related expenses for which payment is authorized to be made from the contingent fund of the Senate.

(d) Effective date

This section shall be effective on and after October 1, 1996.

(Pub. L. 104-197, title I, §6, Sept. 16, 1996, 110 Stat. 2397.)

§ 215. Supervision of Botanical Garden

The supervision of the Capitol police shall extend over the Botanical Garden.

(R.S. § 1826.)

CODIFICATION

R.S. § 1826 derived from Res. July 15, 1870, No. 131, 16 Stat. 391.

RELOCATION OF POPLAR POINT GREENHOUSE AND NURSERY OF UNITED STATES BOTANIC GARDEN AND DISTRICT OF COLUMBIA LANHAM TREE NURSERY TO NEW SITE

Pub. L. 98-340, July 3, 1984, 98 Stat. 308, directed the Architect of the Capitol under the direction of the Joint Committee on the Library and the District of Co-

lumbia government to enter into an agreement under which the Architect and the District would determine a site of not less than twenty-five contiguous acres under the jurisdiction of the District upon which the facilities existing on July 3, 1984, being operated and maintained by the United States Botanic Garden at the Poplar Point Greenhouse and Nursery, would be relocated. The agreement would also provide that the District convey without consideration to the Architect on behalf of the United States all right, title, and interest of the District in the replacement site and that the District convey without consideration to the Secretary of the Interior on behalf of the United States all right, title, and interest of the District in the real property known as the Lanham Tree Nursery. Within sixty days of July 3, 1984, the Botanic Garden Greenhouse and Nursery at Poplar Point would come within the jurisdiction of the Secretary of the Interior and within sixty days after the Secretary assumed jurisdiction for such real property the Secretary would enter into an agreement with the District and the Washington Metropolitan Area Transit Authority under which the District and the Washington Metropolitan Area Transit Authority would be authorized to construct, maintain, and operate certain facilities designed to improve transportation in the Washington metropolitan area.

§ 216. Superintendent, etc., of Botanical Garden and greenhouses

There shall be a superintendent and assistants in the Botanical Garden and greenhouses, who shall be under the direction of the Joint Committee on the Library.

(R.S. § 1827.)

CODIFICATION

R.S. § 1827 derived from act Mar. 3, 1873, ch. 226, §1, 17 Stat. 491.

§ 216a. Restriction on use of appropriation for Botanical Garden

On and after July 31, 1958, no part of any appropriation for the Botanic Garden shall be used for the distribution, by congressional allotment, of trees, plants, shrubs, or other nursery stock.

(Pub. L. 85-570, July 31, 1958, 72 Stat. 450.)

§ 216b. Utilization of personnel by Architect of Capitol for maintenance and operation of Botanic Garden

On and after December 27, 1974, with the approval of the Joint Committee on the Library, the Architect of the Capitol may utilize personnel paid from appropriations under his control for performance of administrative and clerical duties in connection with the maintenance and operation of the United States Botanic Garden, to such extent as he may deem feasible.

(Pub. L. 93-554, title I, ch. III, Dec. 27, 1974, 88 Stat. 1777.)

§ 216c. National Garden

(a) Establishment; gifts

The Architect of the Capitol, subject to the direction of the Joint Committee on the Library, is authorized to—

- (1) construct a National Garden demonstrating the diversity of plants, including the rose, our national flower, to be located between Maryland and Independence Avenues, S.W., and extending from the Botanic Garden Con-

servatory to Third Streets, S.W., in the District of Columbia; and

(2) solicit, receive, accept, and hold gifts, including money, plant material, and other property, on behalf of the Botanic Garden, and to dispose of, utilize, obligate, expend, disburse, and administer such gifts for the benefit of the Botanic Garden, including among other things, the carrying out of any programs, duties, or functions of the Botanic Garden, and for constructing, equipping, and maintaining the National Garden referred to in paragraph (1).

(b) Gifts and bequests of money; investment; appropriations

(1) Gifts or bequests of money under subsection (a)(2) of this section shall, when received by the Architect, be deposited with the Treasurer of the United States, who shall credit these deposits as offsetting collections to an account entitled "Botanic Garden, Gifts and Donations". The gifts or bequests described under subsection (a)(2) of this section shall be accepted only in the total amount provided in appropriations Acts.

(2) The Secretary of the Treasury shall invest any portion of the account designated in paragraph (1) that, as determined by the Architect, is not required to meet current expenses. Each investment shall be made in an interest-bearing obligation of the United States or an obligation guaranteed both as to principal and interest by the United States that, as determined by the Architect, has a maturity date suitable for the purposes of the account. The Secretary of the Treasury shall credit interest earned on the obligations to the account.

(3) Receipts, obligations, and expenditures of funds under this section shall be included in annual estimates submitted by the Architect for the operation and maintenance of the Botanic Garden and such funds shall be expended by the Architect, without regard to section 5 of title 41, for the purposes of this section after approval in appropriation Acts. All such sums shall remain available until expended, without fiscal year limitation.

(c) Donations of personal services

(1) In carrying out this section and his duties, the Architect of the Capitol may accept personal services, including educationally related work assignments for students in nonpay status, if the service is to be rendered without compensation.

(2) No person shall be permitted to donate his or her personal services under this section unless such person has first agreed, in writing, to waive any and all claims against the United States arising out of or in connection with such services, other than a claim under the provisions of chapter 81 of title 5.

(3) No person donating personal services under this section shall be considered an employee of the United States for any purpose other than for purposes of chapter 81 of title 5.

(4) In no case shall the acceptance of personal services under this section result in the reduction of pay or displacement of any employee of the Botanic Garden.

(d) Tax deductions

Any gift accepted by the Architect of the Capitol under this section shall be considered a gift to the United States for purposes of income, estate, and gift tax laws of the United States.

(Pub. L. 100-458, title III, § 307E, Oct. 1, 1988, 102 Stat. 2183; Pub. L. 102-229, title II, § 209(a), Dec. 12, 1991, 105 Stat. 1716; Pub. L. 104-53, title II, § 201(b), Nov. 19, 1995, 109 Stat. 529; Pub. L. 105-275, title II, § 201, Oct. 21, 1998, 112 Stat. 2445.)

REFERENCES IN TEXT

The income, estate, and gift tax laws of the United States, referred to in subsec. (d), are classified generally to Title 26, Internal Revenue Code.

AMENDMENTS

1998—Subsec. (b)(2), (3). Pub. L. 105-275 added par. (2) and redesignated former par. (2) as (3).

1995—Subsec. (a)(1). Pub. L. 104-53 substituted "plants" for "plans".

1991—Pub. L. 102-229 amended section generally. Prior to amendment, section read as follows: "The Architect of the Capitol, subject to the direction of the Joint Committee on the Library, is authorized to—

"(1) construct a National Garden demonstrating the diversity of plants, including the rose, our national flower, to be located between Maryland and Independence Avenues, S.W., and extending from the United States Botanic Garden Conservatory to Third Street, S.W., in the District of Columbia; and

"(2) accept gifts, including money, plants, volunteer time, planning, construction and installation expenses, assistance and implements, and garden structures, on behalf of the United States Botanic Garden for the purpose of constructing the National Garden described in paragraph (1)."

FUNDS AVAILABLE FOR CONSTRUCTING, EQUIPPING, AND MAINTAINING NATIONAL GARDEN

Pub. L. 102-392, title II, § 201, Oct. 6, 1992, 106 Stat. 1716, as amended by Pub. L. 104-53, title II, § 201(a), Nov. 19, 1995, 109 Stat. 529; Pub. L. 106-554, § 1(a)(2) [title III, § 312], Dec. 21, 2000, 114 Stat. 2763, 2763A-120; Pub. L. 107-68, title I, § 135, Nov. 12, 2001, 115 Stat. 583, provided that:

"(a) Pursuant to section 307E of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c), not more than \$16,500,000 shall be accepted and not more than \$16,500,000 of the amounts accepted shall be available for obligation by the Architect of the Capitol for constructing, equipping, and maintaining the National Garden.

"(b) The Architect of the Capitol is authorized to solicit, receive, accept, and hold amounts under section 307E(a)(2) of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c(a)(2)) in excess of the \$16,500,000 authorized under subsection (a), but such amounts (and any interest thereon) shall not be expended by the Architect without approval in appropriation Acts as required under section 307E(b)(3) of such Act (40 U.S.C. 216c(b)(3))."

RENOVATION OF CONSERVATORY OF BOTANIC GARDEN

Section 209(b) of Pub. L. 102-229 provided that: "Pursuant to section 307E of the Legislative Branch Appropriations Act, 1989 [40 U.S.C. 216c], not more than \$2,000,000 shall be accepted and not more than \$2,000,000 of the amounts accepted shall be available for obligation by the Architect for preparation of working drawings, specifications, and cost estimates for renovation of the Conservatory of the Botanic Garden."

§ 216d. Disbursement of appropriations for Botanic Garden

On and after November 5, 1990, all appropriations made on account of the Botanic Garden

shall be disbursed for that purpose in the same manner as other appropriations under the control of the Architect of the Capitol.

(Pub. L. 101-520, title II, Nov. 5, 1990, 104 Stat. 2270.)

§ 217. Repealed. Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111

Section, acts May 13, 1926, ch. 294, 44 Stat. 548; Feb. 23, 1927, ch. 168, 44 Stat. 1157; May 14, 1928, ch. 551, 45 Stat. 528; Feb. 28, 1929, ch. 367, 45 Stat. 1397; June 6, 1930, ch. 407, 46 Stat. 516; Feb. 20, 1931, ch. 234, 46 Stat. 1186; June 30, 1932, ch. 314, 47 Stat. 393; Feb. 28, 1933, ch. 134, 47 Stat. 1362; May 30, 1934, ch. 372, 48 Stat. 828; July 8, 1935, ch. 374, 49 Stat. 471; Apr. 17, 1936, ch. 233, 49 Stat. 1226; May 18, 1937, ch. 223, 50 Stat. 181; May 17, 1938, ch. 236, 52 Stat. 392; June 16, 1939, ch. 208, 53 Stat. 834; June 18, 1940, ch. 396, 54 Stat. 474, related to purchases for Botanic Garden.

§ 217a. Plant material exchanges

On and after July 8, 1935, plant material exchanges may be made with botanic gardens, institutions, municipal parks, and gardens.

(July 8, 1935, ch. 374, 49 Stat. 471.)

§ 217b. Repealed. Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111

Section, acts Apr. 17, 1936, ch. 233, 49 Stat. 1226; May 18, 1937, ch. 223, 50 Stat. 181; May 17, 1938, ch. 236, 52 Stat. 393; June 16, 1939, ch. 208, 53 Stat. 834; June 18, 1940, ch. 396, 54 Stat. 474, related to purchase of supplies for Botanic Garden. That part which was an exception to section 16 of Title 41, Public Contracts (repealed by act Oct. 21, 1941, ch. 452, 55 Stat. 743) was not repealed by act Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111, and was classified to former section 16b of Title 41. See note under sections 16a to 16d of that title.

§ 217c. Congressional Award Youth Park

(a) Designation

The parcel of approximately 5 acres of land located on the Capitol Grounds and described in subsection (b) of this section shall be known and designated as the “Congressional Award Youth Park”.

(b) Area included

(1) In general

The parcel of land described in subsection (a) of this section is—

(A) bounded on the north by Constitution Avenue, N.W.;

(B) bounded on the east by First Street, N.W.;

(C) bounded on the south by Pennsylvania Avenue, N.W.; and

(D) bounded on the west by Third Street N.W.

(2) Extension

The park shall extend to the curbs of the streets described in paragraph (1).

(c) Design

(1) Competition

The Architect of the Capitol shall sponsor a competition for the design of the park, based on specifications developed by the Architect.

(2) Specifications

(A) In general

Not later than June 30, 2002, the Architect, in consultation with the majority leader and

the minority leader of the Senate, and the Speaker and the minority leader of the House of Representatives, shall develop the specifications for the park.

(B) Requirements

(i) In general

The specifications shall require an outdoor design that is accessible to the public.

(ii) Inclusions

To the maximum extent practicable, the specifications shall include requirements for—

(I) a fountain;

(II) extensive use of trees and flowering plants from each of the 50 States;

(III) large-scale replicas of the medals awarded under the Congressional Award Program; and

(IV) the inscription of the names of all Congressional Award recipients.

(3) Selection

(A) In general

As soon as practicable after the competition is completed, the Architect shall forward at least 3 designs, with recommendations, to the United States Capitol Preservation Commission.

(B) Final selection

The United States Capitol Preservation Commission shall select and approve the final design from among the 3 designs submitted under subparagraph (A).

(d) Funding

Funds otherwise made available to the Architect of the Capitol under this Act shall be available to carry out this section.

(Pub. L. 107-68, title I, §134, Nov. 12, 2001, 115 Stat. 582.)

REFERENCES IN TEXT

This Act, referred to in subsec. (d), is Pub. L. 107-68, Nov. 12, 2001, 115 Stat. 560, as amended, known as the Legislative Branch Appropriations Act, 2002. For complete classification of this Act to the Code, see Tables.

§§ 218 to 220. Repealed. Oct. 31, 1951, ch. 654, § 3(19)–(21), 65 Stat. 709

Sections, R.S. §§1832 to 1834, respectively, related to annual statements, to the Architect of the Capitol, of public property in and about the Capitol and the Botanical Garden, the maintenance of an inventory of that property by the Architect, and annual reports by him to Congress with respect thereto, and inapplicability of those provisions to books, pamphlets, etc., in the Library of Congress, or to supplies of stationery and fuel.

§§ 221, 222. Omitted

CODIFICATION

Section 221, R.S. §1835, provided that no pay or compensation other than that fixed by Title XXI of the Revised Statutes should be allowed to any officer, employee, or laborer embraced within the provisions thereof. The only provision of that title fixing compensation was contained in R.S. §1822, which fixed the pay of the Capitol police. That provision is not classified to the Code. See section 5101 et seq. of Title 5, Government Organization and Employees.

Section 222, act May 13, 1926, ch. 294, 44 Stat. 547, related to purchases and services for Architect of Capitol.

§ 223. Capitol Grounds shuttle service; purchase, etc., of vehicles

Funds appropriated for the Capitol Grounds after October 1, 1976, shall be available for the purchase or rental, maintenance and operation of passenger motor vehicles to provide shuttle service for Members and employees of Congress to and from the buildings in the Legislative group.

(Pub. L. 94-440, title VI, Oct. 1, 1976, 90 Stat. 1453.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 224 of this title.

§ 224. Transportation of House Pages by Capitol Grounds shuttle service

The passenger motor vehicles authorized by section 223 of this title to provide a shuttle service for Members and employees of Congress may be used for the transportation of House Pages to and from special events associated with their education when approved by the House of Representatives Page Board: *Provided further*, That the use of the said passenger motor vehicles for transportation of House Pages shall not interfere with the shuttle service for Members and employees of the Congress.

(Pub. L. 99-151, title I, Nov. 13, 1985, 99 Stat. 801.)

CHAPTER 2A—NATIONAL ARCHIVES

§§ 231 to 232a. Transferred

CODIFICATION

Section 231, act June 19, 1934, ch. 668, §1, 48 Stat. 1122, which created the Office of the Archivist of the United States, was transferred to section 300 of former Title 44, Public Printing and Documents, and was thereafter repealed by act June 30, 1949, ch. 288, title VI, §602(a)(32), renumbered and added Sept. 5, 1950, ch. 849, §7(d), 64 Stat. 590. See 2102 of Title 44.

Section 232, act June 19, 1934, ch. 668, §2, 48 Stat. 1122, which related to the salaries of employees of the National Archives and the appointment procedure of such employees, was transferred to section 300a of former Title 44, and was thereafter repealed by act June 30, 1949, ch. 288, title VI, §602(a)(32), renumbered and added Sept. 5, 1950, ch. 849, §7(d), 64 Stat. 590. See section 758 of this title.

Section 232a, act May 23, 1938, ch. 259, 52 Stat. 421, which related to appointment of employees in accordance with the civil service laws, was transferred to section 300a of former Title 44, and was thereafter repealed by Pub. L. 90-620, §3, Oct. 22, 1968, 82 Stat. 1309. See section 758 of this title.

§ 232b. Repealed. Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 650

Section, act May 23, 1938, ch. 259, 52 Stat. 421, prescribed manner by which persons employed in National Archives Establishment six months after May 23, 1938, should gain a competitive classified civil service status.

§§ 233 to 241. Transferred

CODIFICATION

Sections 233 to 241, act June 19, 1934, ch. 668, §§3-11, 48 Stat. 1122-1124, were transferred to sections 300c to

300k of former Title 44, Public Printing and Documents, and were thereafter repealed by act June 30, 1949, ch. 288, title VI, §602(a)(32), renumbered and added Sept. 5, 1950, ch. 849, §7(d), 64 Stat. 590. For further details, see below.

Section 233, act June 19, 1934, ch. 668, §3, 48 Stat. 1122, which placed all archives or records belonging to the Government under the charge of the Archivist, was transferred to section 300c of former Title 44, Public Printing and Documents. See sections 2103 and 2104 of Title 44.

Section 234, act June 19, 1934, ch. 668, §4, 48 Stat. 1123, which vested the custody of the National Archives Building and other grounds in the Archivist, was transferred to section 300d of former Title 44. See section 2903 of Title 44.

Section 235, act June 19, 1934, ch. 668, §5, 48 Stat. 1123, which related to the creation, membership, and duties of a National Historical Publications Commission, was transferred to section 300e of former Title 44. See section 2501 et seq. of Title 44.

Section 236, act June 19, 1934, ch. 668, §6, 48 Stat. 1123, which related to the creation, membership and duties of a National Archives Council, was transferred to section 300f of former Title 44. See section 2701 of Title 44.

Section 237, act June 19, 1934, ch. 668, §7, 48 Stat. 1123, which related to storing and projection of motion-picture films, was transferred to section 300g of former Title 44. See section 2110 of Title 44.

Section 238, act June 19, 1934, ch. 668, §8, 48 Stat. 1123, which related to official seal of National Archives and judicial notice thereof, was transferred to section 300h of former Title 44. See section 2112 of Title 44.

Section 239, act June 19, 1934, ch. 668, §9, 48 Stat. 1123, which related to reports and recommendation by Archivist to Congress, was transferred to section 300i of former Title 44. See sections 2507, 2902, and 3303a of Title 44.

Section 240, act June 19, 1934, ch. 668, §10, 48 Stat. 1124, which related to appropriations for maintenance of the Archives Building and administration of records, etc., was transferred to section 300j of former Title 44.

Section 241, act June 19, 1934, ch. 668, §11, 48 Stat. 1124, which repealed all acts inconsistent with provisions of act June 19, 1934, was transferred to section 300k of former Title 44.

CHAPTER 3—PUBLIC BUILDINGS AND WORKS GENERALLY

- Sec.
- 251, 252. Omitted or Repealed.
- 253. Detail of members of field force of General Services Administration.
- 254. Repealed.
- 255. Approval of title prior to Federal land purchases; payment of title expenses; application to Tennessee Valley Authority; Federal jurisdiction over acquisitions.
- 256. Repealed.
- 257. Condemnation of realty for sites and other uses.
- 258. Omitted.
- 258a. Lands, easements, or rights of way for public use; taking of possession and title in advance of final judgment; authority; procedure.
- 258b. Taking in advance of final judgment; appeal or giving of bond as preventing or delaying vesting of title.
- 258c. Obligation of United States to pay ultimate award when fixed.
- 258d. Taking in advance of final judgment; right as additional to existing rights, powers, and authority.
- 258e. Taking in advance of final judgment; demolition of buildings thereon; erection of public buildings or works; funds available for purpose.
- 258e-1. Interest as part of just compensation.